



Equality and Fairness Impact Assessment (EFIA) Form and Guidance

If the *'policy or practice'** you are developing or going to develop is assessed as relevant after undertaking the online screening process (the Integrated Appraisal Toolkit) - that is, it will have an impact on people - you should complete an Equality and Fairness Impact Assessment (EFIA).

This form (which includes accompanying guidance) should be completed.

*see definition below on Page 5

EFIA – Guidance

The purpose of the EFIA is to ensure that decision makers are fully informed, at a formative stage in the decision-making process.

Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Under Part 1 of the Act 'The Fairer Scotland Duty', the Council is required to actively consider how it can reduce inequalities of outcome caused by socioeconomic disadvantage, when making strategic decisions.

The online Integrated Appraisal Toolkit (IAT) has been developed within the Council to assess all proposals against criteria for reducing poverty and socio-economic disadvantage, eliminating discrimination, advancing equality of opportunity, and fostering good relations between equality groups.

The IAT should first be used at the initial stages of proposal development to **screen** the proposal for any likely positive or negative effects in relation to equality, fairness and human rights. After completing the IAT, it should be evident if your proposal is likely (or not) to have significant implications for: reducing poverty and socio-economic advantage, eliminating discrimination, advancing equality of opportunity, and fostering good relations between equality groups. **If the screening process identifies that there are implications then this full Equality and Fairness Impact Assessment (EFIA) should be undertaken.**

When should I carry out an EFIA?

In order to fulfil our general duty it is critical that the all services conduct an EFIA in the following circumstances:

- > **All** significant policies, strategies and projects* should have as a minimum an EFIA screening inbuilt as part of the risk assessment process.
- > **All** budget options for the each financial year will require to be EFIA screened. (It is possible to group individual options if they relate to one particular service area)
- > **All** Reports to Committee now require Equalities Impacts to be reported either as a screening or full EFIA. Significant service reforms **may** require a Full Report to be completed, or as a minimum, a justification in a Screening Report as to why the Full Report was unnecessary.

Equality and Fairness Impact Assessment Screening

A screening can be undertaken as part of a scoping exercise prior to a full report, or it can stand alone as final summary if no significant Equality and Fairness Impacts are identified or arise subsequently in the policy or plan implementation. This is done using the online Integrated Appraisal Toolkit.

Equality and Fairness Impact Assessment Full Report

A full report (using this form) should be conducted where a Screening indicates an area or areas that require more detailed consideration.

*see full definition Page 5

Stage 1: Screening

As noted above, a screening should ideally be carried out at the outset of a policy, service reform, or budget proposal* in order to embed consideration of equalities and fairness at the earliest part of the project plan or process.

In order to complete screening please follow the guidance provided within the online [Integrated Appraisal Toolkit](#)

A Screening Report should be conducted prior to identifying if a Full Impact Assessment is required, and the findings of the report should inform the introduction to the assessment; and provide the context and background, to outline the purpose and direction of the Full Impact Assessment.

Stage 2: Full Impact Assessment

If there are any areas that arise as part of the screening process that require further investigation or highlight areas of concern with regard to likely impacts across any or all protected characteristics, then a Full Impact Assessment report be conducted.

*see full definition Page 5

EFIA Form

Complete this for all *relevant policies*
'Relevant' means it will have an impact on people
'Policy or Practice' - see definition below

Definition of policy or practice for the purposes of EFIA:
For the purposes of an EFIA the term 'policy or practice' covers Service delivery and Employment. This can include a Policy, a Plan, a Strategy, a Project, a Service Review, a function, practice or service activity or a Budget option.

Section 1: Policy Details (see definition of 'Policy' or 'Practice' above)

Name of Policy or Practice:

Emergency Powers of Licensing Board due to Coronavirus

Service and Division/Team:

Perth and Kinross Licensing Board

Owner/Person Responsible (include your Name and Position):

Colin Elliott, Solicitor, Legal and Governance Services, Perth and Kinross Council

Impact Assessment Team (include your Names and Positions). This team can consist of two people or more as appropriate:

Sarah Rodger, Legal Manager

Is the 'policy' or 'practice' being impact assessed new or existing? Please tick the appropriate box below to indicate.

New

Existing

What are the main aims of the policy or practice?

The emergency powers set out in the Coronavirus (Scotland) Act 2020 allow a licensing board to decide not to hold meetings in person; not to hold meetings in public; decide whether it wishes to operate through a committee or not; and to generally function due to the restrictions as a result of coronavirus.

Who are the main target groups/beneficiaries?

Applicants for alcohol licenses; agents; objectors including members of the public; and Police Scotland

What are the intended outcomes of the policy or practice?

To support the operation of Perth and Kinross Licensing Board during the coronavirus emergency in as flexible a manner as possible for as many as possible.

Section 2: Information Gathering

You should list here the sources of information used to assess the impact of the relevant policy or practice. This can include local sources such as reports, information and data, relevant partners' information, data and reports, other Council's relevant information, data and reports, national information, research outcomes, data profiles and any other evidence which has led to the development of this policy. You may wish to refer to Appendix 1 for reference when gathering information relating to Equality Monitoring Data,

Information/Evidence Gained and Used to Shape this Policy or Practice	List Details, Source and Date <i>(continue on a separate sheet if necessary – tick to indicate this has been done</i> <input type="checkbox"/>
Community consultation/involvement outcomes from earlier contacts - this usually includes formally arranged contact with individuals or community, voluntary sector and other relevant interest groups	Not applicable
Employee involvement/consultation feedback (e.g. survey, focus groups)	Not applicable
Research and information list main sources	Different methods of working required due to the Coronavirus (Scotland) Act 2020. Cannot conduct hearings in person and cannot conduct in public by attendance in person. Where Board agrees not to conduct hearings in person, the 2020 Act requires the Board to offer telephone; written representation, and video conferencing, where available, for the conduct of hearings.
Officer knowledge and experience	Solicitor and Depute Clerk to the Board, over 16 years experience operating Board meetings
Equality monitoring data	None relevant
Service user feedback (including customer contact, services and complaints)	Applicants and agents wishing applications dealt with. Range of preferences as to how to 'attend' a Board meeting based on options that must be offered under Coronavirus (Scotland) Act 2020. No previous complaints about existing Board practice for operating.
Partner feedback	Not applicable

Other - this may be information gathered in another Council area, nationally or in partner organisations which is considered to have relevance

SOLAR Licensing communications

Section 3: Consultation/Involvement

Consultation with key stakeholders can be undertaken throughout the whole of the equality and fairness impact assessment process. This section can include details of outcomes from current, earlier or ongoing consultation/involvement activities. This activity **can also** help to **reach people not previously involved** with these processes, but who will be affected by this policy or practice when it is implemented.

The Consultation/Involvement process can also help **identify or agree changes** that need to be made to ensure the policy or practice will be inclusive when implemented.

The Equalities Team Leader (equalities@pkc.gov.uk) may be able to provide advice relating to potential contact with consultees from equality protected characteristic groups via existing mechanisms such as the Community Equalities Advisory Group (CEAG) or Equalities Strategic Forum.

A summary of the replies received from individuals and stakeholders consulted/involved. Include any previous feedback or complaints relating to equality and diversity issues and the policy or practice currently being assessed.

Equality Protected Characteristic	Specific Characteristics	Date	Outcome of Consultation/Involvement <i>(continue on a separate sheet if necessary – tick to indicate this has been done</i> <input type="checkbox"/>
Age	Older People (65+)		None
	Younger People (16-64)		None
	Children (0-16)		None
	Looked After Children (Corporate Parenting)		None
Disability	Physical Disability		None
	Sensory Impairment		None
	Mental Health		None
	Learning Disability		None
Gender Reassignment	Male transitioning to female		None

	Female transitioning to male		None
Marriage/Civil Partnership	Women		None
	Men		None
	Same Sex Couple (Male)		None
	Same Sex Couple (Female)		None
Pregnancy / Maternity/Paternity	Women		None
	Men (Paternity)		None
Race	A list of categories used in the census is here		None
Religion / Belief	A list of categories used in the census is here		None
Sex	Female		None
	Male		None
	Other Gender Identity		None
Sexual Orientation	Lesbian		None
	Gay		None
	Bisexual		None
Socio-economic(fairness)	Options detailed in Appendix 2		None

Section 4: Detail the Positive and/or Negative Impacts or Tick to Indicate No Impact

Key Questions to Address

The Assessment should highlight areas of interest covering the following:

- > Positive and Negative impacts across all protected characteristics.
- > Scale of the Impact: An indication of the degree of potential impact, and whether this is judged to have a High, Medium or Low impact potential.
- > Anticipated duration of the impact if relevant
- > Whether there is a specific differential impact to a particular protected characteristic or characteristics
- > Or if the impact is more wide ranging and general in its effect.
- > Whether any impacts identified would/could be mitigated by an amendment to the policy, practice budget decision or service reform proposal

This information will be indicated by activities at Section 2 and Section 3 above.

Equality Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit the group concerned)	Negative Impact (it could disadvantage the group concerned)) No Impact
Age	Older People (65+)	By not holding meetings in person and offering alternative means to participate in a Board meeting, there is no requirement to physically attend at 2 High Street, Perth. This will assist in protecting the public from the risk of coronavirus.	Older persons may not be as comfortable participating by video conferencing and, maybe, by telephone. The number of persons who are objectors to applications is small. The inability to hold meetings in person will continue for so long as the relevant coronavirus emergency powers are in place.	

Younger People (16-64)	By not holding meetings in person and offering alternative means to participate in a Board meeting, there is no requirement to physically attend at 2 High Street, Perth. This will assist in protecting the public from the risk of coronavirus.		
Children (0-16)	By not holding meetings in person and offering alternative means to participate in a Board meeting, there is no requirement to physically attend at 2 High Street, Perth. This will assist in protecting the public from the risk of coronavirus.		
Looked After Children (Corporate Parenting)	By not holding meetings in person and offering alternative means to participate in a Board meeting, there is no requirement to physically attend at 2 High Street, Perth. This will assist in protecting the public from the risk of coronavirus.		

Disability	Physical Disability	By not holding meetings in person and offering alternative means to participate in a Board meeting, there is no requirement to physically attend at 2 High Street, Perth. This will assist in protecting the public from the risk of coronavirus.	It may be more difficult for some to participate in a Board meeting by way of written representation; telephone; or video conferencing instead of attending in person. The inability to hold meetings in person will continue for so long as the relevant coronavirus emergency powers are in place.	
	Sensory Impairment	By not holding meetings in person and offering alternative means to participate in a Board meeting, there is no requirement to physically attend at 2 High Street, Perth. This will assist in protecting the public from the risk of coronavirus.	It may be more difficult for some to participate in a Board meeting by way of written representation; telephone; or video conferencing instead of attending in person. The inability to hold meetings in person will continue for so long as the relevant coronavirus emergency powers are in place.	
	Mental Health	By not holding meetings in person and offering alternative means to participate in a Board meeting, there is no requirement to physically attend at 2 High Street, Perth. This will assist in protecting the public from the risk of coronavirus.	It may be more difficult for some to participate in a Board meeting by way of written representation; telephone; or video conferencing instead of attending in person. The inability to hold meetings in person will continue for so long as the relevant coronavirus emergency powers are in place.	

	Learning Disability	By not holding meetings in person and offering alternative means to participate in a Board meeting, there is no requirement to physically attend at 2 High Street, Perth. This will assist in protecting the public from the risk of coronavirus.	It may be more difficult for some to participate in a Board meeting by way of written representation; telephone; or video conferencing instead of attending in person. The inability to hold meetings in person will continue for so long as the relevant coronavirus emergency powers are in place.	
Gender Reassignment	Male transitioning to female			X
	Female transitioning to male			X
Marriage/Civil Partnership	Women			X
	Men			X
	Same Sex Couple (Male)			X
	Same Sex Couple (Female)			X

Pregnancy / Maternity/Paternity	Women	By not holding meetings in person and offering alternative means to participate in a Board meeting, there is no requirement to physically attend at 2 High Street, Perth. This will assist with childcare. This will also assist in protecting the public from the risk of coronavirus.		
	Men (Paternity)	By not holding meetings in person and offering alternative means to participate in a Board meeting, there is no requirement to physically attend at 2 High Street, Perth. This will assist with childcare. This will also assist in protecting the public from the risk of coronavirus.		
Race	A list of categories used in the census is here	By not holding meetings in person and offering alternative means to participate in a Board meeting, there is no requirement to physically attend at 2 High Street, Perth. This will assist in protecting the public from the risk of coronavirus.		
Religion / Belief	A list of categories used in the census is here			X
Sex	Female			X

	Male			X
	Other Gender Identity			X
Sexual Orientation	Lesbian			X
	Gay			X
	Bisexual			X
Socio-economic(fairness)	Options detailed in Appendix 2	By not holding meetings in person and offering alternative means to participate in a Board meeting, there is no requirement to physically attend at 2 High Street, Perth. This will assist in protecting the public from the risk of coronavirus. Also, it will reduce/remove the cost of travel.	Members of the public may be excluded from participating through poverty, whether by telephone or video conferencing. The number of persons who are objectors to applications is small. The inability to hold meetings in person will continue for so long as the relevant coronavirus emergency powers are in place.	

Section 5: Recommendations and Actions

As a result of this equality impact assessment, please **clearly describe practical actions** you plan to take to:

- reduce or remove any identified **negative impact***
- promote any **positive impact** or*
- gather** further information/evidence*

Equality Protected Characteristic	Specific Characteristics	Action	Who is responsible	Date for completion
Age	Older People (65+)	Develop the full range of options to enable all to participate in Board meetings through written representation; telephone, and video conferencing, if possible.	IT, Perth and Kinross Council with input from Licensing Services, Legal and Governance Services	asap

	Younger People (16-64)	Develop the full range of options to enable all to participate in Board meetings through written representation; telephone, and video conferencing, if possible.	IT, Perth and Kinross Council with input from Licensing Services, Legal and Governance Services	asap
	Children (0-16)	Develop the full range of options to enable all to participate in Board meetings through written representation; telephone, and video conferencing, if possible.	IT, Perth and Kinross Council with input from Licensing Services, Legal and Governance Services	asap
	Looked After Children (Corporate Parenting)	Develop the full range of options to enable all to participate in Board meetings through written representation; telephone, and video conferencing, if possible.	IT, Perth and Kinross Council with input from Licensing Services, Legal and Governance Services	asap
Disability	Physical Disability	Develop the full range of options to enable all to participate in Board meetings through written representation; telephone, and video conferencing, if possible.	IT, Perth and Kinross Council with input from Licensing Services, Legal and Governance Services	asap
	Sensory Impairment	Develop the full range of options to enable all to participate in Board meetings through written representation; telephone, and video conferencing, if possible.	IT, Perth and Kinross Council with input from Licensing Services, Legal and Governance Services	asap
	Mental Health	Develop the full range of options to enable all to participate in Board meetings through written representation; telephone, and video conferencing, if possible.	IT, Perth and Kinross Council with input from Licensing Services, Legal and Governance Services	asap
	Learning Disability	Develop the full range of options to enable all to participate in Board meetings through written representation; telephone, and video conferencing, if possible.	IT, Perth and Kinross Council with input from Licensing Services, Legal and Governance Services	asap
Gender Reassignment	Male transitioning to female			

	Female transitioning to male			
Marriage/Civil Partnership	Women			
	Men			
	Same Sex Couple (Male)			
	Same Sex Couple (Female)			
Pregnancy / Maternity/Paternity	Women	Promote range of participation options available	Licensing Services, Legal and Governance Services	asap
	Men (Paternity)	Promote range of participation options available	Licensing Services, Legal and Governance Services	asap
Race	A list of categories used in the census is here	Promote range of participation options available	Licensing Services, Legal and Governance Services	asap
Religion / Belief	A list of categories used in the census is here			
Sex	Female			
	Male			
	Other Gender Identity			
Sexual Orientation	Lesbian			
	Gay			
	Bisexual			

Socio-economic(fairness)	As detailed in Appendix 2	Promote range of participation options available, including written representations as an alternative to using digital technology. Members of the public could also be called rather than call to reduce costs.	Licensing Services, Legal and Governance Services	asap
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implemented.

Section 10: Review and Monitor

Note of Action required (from Section 5)

Date completed

Note of Action required (from Section 5)

Date completed

Note of Action required (from Section 5)

Date completed

Note of Action required (from Section 5)

Date completed

Add more sections as required

Appendix 1 – Equality Monitoring Data Guidance

The Equality Protected Characteristics in Our Area

There are nine protected characteristics in the Equality Act and these are disability, sex, race, sexual orientation, gender reassignment, age, marriage and civil partnership, pregnancy and maternity and religion and belief.

The [Scottish Government Equality Evidence Finder](#) is updated twice a year with data surrounding equality evidence from a wide range of policy areas. Some key local statistics should be noted:

Disability - 28% of the Perth & Kinross population consider themselves to have a long term physical or mental health condition, compared to 22% for Scotland overall. (*Scottish Household Survey 2016*)

Sex - 49% of the Perth & Kinross population identify as male, the same as Scotland overall. (*Scottish Household Survey 2016*)

Race - 98% of the Perth & Kinross adult population classify themselves as 'White', compared to 96% for Scotland as a whole (*Scottish Household Survey 2016*)

Sexual orientation - 99% of the Perth & Kinross adult population identify as Heterosexual, compared to 98% for Scotland overall. (*Scottish Household Survey 2016*)

Gender reassignment - The Registrar General for Scotland maintains a Gender Recognition Register in which the birth of a transgender person whose acquired gender has been legally recognised is registered showing any new name(s) and the acquired gender. This enables the transgender person to apply to the Registrar General for Scotland for a new birth certificate showing the new name(s) and the acquired gender. The Gender Recognition Register is not open to public scrutiny. Local information is not available. (*NRS Registration Division 2016*)

Age - Young people under 16 currently make up 16% of the population in Perth & Kinross, compared to the national average of 17%. People aged 65 and over account for 23% of the total population, higher than the national average of 19%. By 2039 this proportion is set to increase to 30%. (*ONS Population data*)

Marriage and civil partnership - 58% of the Perth & Kinross adult population are married or in a civil partnership, compared to 47% for Scotland as a whole. (*Scottish Household Survey 2016*)

Pregnancy and maternity - In 2016, the birth rate was 53.5 per 1000 women aged 15-44. In other words, broadly 5.4% of women of child bearing age were pregnant in 2016 in Perth and Kinross, compared to 5.2% for Scotland as a whole. (*NRS Vital events 2016*)

Religion and belief - 52% of the Perth & Kinross adult population consider themselves to have a

religious belief, compared to 49% for Scotland as a whole. (*Scottish Household Survey 2016*)

National data sources have been used to provide this information but it should be noted that the Scottish Household Survey is only based on a sample of respondents so variations may not be statistically significant.

Appendix 2– Socio-economic (Fairness)

Socio-Economic Disadvantage:

- Low Income – (in comparison to most others) – can be measured in a range of ways e.g. relative poverty (after housing costs) looks at number of individuals living in households with incomes below 60% of UK median income. Statistics on absolute poverty (household living standards over time) and persistent poverty (where households live in poverty for 3 years out of 4) are also available. Poverty statistics can also be broken down by gender, disability, ethnicity, tenure and urban/rural.
- Low/No Wealth – having access to wealth e.g. financial products, equity from housing and a pension, provides some protection from socio-economic disadvantage. Single adult households (including single parent households) have very high risks of low wealth; households with lower educational qualifications and in routine or manual occupations have significantly higher risks of low wealth.
- Material deprivation – refers to households being unable to access basic goods and services and tends to focus on families with children.
- Area deprivation - living in a deprived area can exacerbate negative outcomes for individuals and households already affected by issues of low income.
- Socio-economic background – the structural disadvantage that can arise from parents' education, employment and income (i.e. social class) is more difficult to measure.

Inequalities of Outcome – any measurable differences for communities of interest or communities of place such as:

- Poorer skills and attainment
- Lower quality, less secure and lower paid work
- Greater chance of being a victim of crime
- Lower healthy life expectancy
- Less chance of a dignified and respectful life

Communities of Place – refers to people who are bound together because of where they reside, work, visit or otherwise spend a continuous proportion of their time. Poverty is often hidden in smaller rural communities with issues such as cost of living and accessibility of transport, education and employment impacting more negatively.

Communities of Interest – refers to people who share an identity e.g. an equality protected characteristic. Consideration of the impact on those groups can help develop a deeper understanding of socio-economic impact, particularly by talking to people with lived experiences.

For further information refer to [Fairer Scotland Duty -Interim Guidance for Public Bodies](#)

Appendix 3– Human Rights Based Approach

A Human Rights approach should also be an embedded consideration in an EFIA.

In summary; we need to consider, where applicable, to what (if any) extent policies, practices, projects, Service Reforms, or Budget Options impact on three key strands of Human Rights:

Absolute rights:

- > the right to life,
- > the right to freedom from inhuman and degrading treatment

Limited rights:

- > the right to liberty,
- > the right to a fair trial

Qualified rights

- > the right to respect for private and family life, home and correspondence
- > the right to freedom of thought, conscience and religion
- > the right to freedom of assembly and association
- > the right to protection of property

Any restriction of Qualified Rights must be:

- > In accordance with the law: have a basis in domestic law, safeguards against arbitrary interference, foreseeable
- > In pursuit of a legitimate aim: including "the economic wellbeing of the country"; "the protection of health", "protection of the rights and freedoms of others"
- > Necessary
- > Proportionate
- > Not discriminatory

There is further guidance on integrating human rights into the equality impact assessment process available on the Scottish Human Rights Commission website following previous pilots with local authorities: <http://eqhria.scottishhumanrights.com/>