



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:

Framework for Managing Workforce Change

Service and Division/Team:

Human Resources/ HR Services Team

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

Pauline Johnstone, Corporate HR Manager

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

Suzanne McLeod, HR Team Leader
Fiona Thomson, HR Team Leader

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 Framework enables organisational change in any workforce change scenario. It is one of several tools that is used to support transformation and other service redesign projects. The main driver for this review is to ensure that the provisions within the Framework remain relevant and fit for purpose in the current financial climate. The changes will enable workforce change reviews to take place smoothly and timeously while supporting flexibility when responding to the Council's Transformation & Change programme.

The proposed changes relate to the voluntary redundancy compensation and the search periods for suitable alternative employment.

The revised Framework will provide greater flexibility and pace for developing and implementing transformation and change. The revised Framework will protect people, as far as reasonably practical, to remain in Council employment.

Who are the main target groups/beneficiaries?

The policy applies to all employees of the Council.

What are the intended outcomes of the policy or practice?

The main driver for the review is to ensure that the provisions within the Framework remain relevant and fit for purpose in the current financial climate. The changes will enable workforce change reviews to take place smoothly and timeously while supporting flexibility when responding to the Council's Transformation & Change programme.

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 | Trade Union Consultation -meetings took place on 1 and 17 November 2022 and proposals shared in writing. Formal written responses from unions by 5 December, and reminder with extended timescale to 12 December 2022 provided. |
| Employee involvement/consultation feedback (e.g. survey, focus groups) | Met with ELT on a number of occasions and with Elected Members. |
| Research and information list main sources | <ul style="list-style-type: none">• ACAS• CIPD website www.cipd.co.uk• PKC Statistics• Benchmarking from other Scottish Councils |
| Officer knowledge and experience | CIPD qualifications; other relevant qualifications, 20 years of experience in HR. |
| Equality monitoring data | Employee resourcing information collected within HR |
| Service user feedback (including customer contact, services and complaints) | Trade Union Feedback |

| | |
|--|--|
| Partner feedback | Benchmarking from other local authorities. |
| Other - this may be information gathered in another Council area, nationally or in partner organisations which is considered to have relevance | N/A |

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+) | | There have been a number of meetings with the Trade Unions to consult them on the proposed changes to the provisions within the Framework and their feedback and suggestions have been carefully considered and reflected in the final draft of the Framework for consideration by the Committee. In principle, they advised that they cannot agree to the changes proposed as their role is to optimise and maintain employment. They indicated that they could not agree to proposals or changes to any existing arrangements that detrimentally impact on their members. They are keen to ensure fair and equitable treatment of all employees and security of employment for all, regardless of their protected characteristics. |
| | Younger People (16-64) | | As above. |
| | Children (0-16) | | As above. |
| | Looked After Children (Corporate Parenting) | | N/A |

| | | | |
|---------------------------------|---|--|-------------|
| Disability | Physical Disability | | As per age. |
| | Sensory Impairment | | As per age. |
| | Mental Health | | As per age. |
| | Learning Disability | | As per age. |
| Gender Reassignment | Male transitioning to female | | As per age. |
| | Female transitioning to male | | As per age. |
| Marriage/Civil Partnership | Women | | As per age. |
| | Men | | As per age. |
| | Same Sex Couple (Male) | | As per age. |
| | Same Sex Couple (Female) | | As per age. |
| Pregnancy / Maternity/Paternity | Women | | As per age. |
| | Men (Paternity) | | As per age. |
| Race | A list of categories used in the census is here | | As per age. |
| Religion / Belief | A list of categories used in the census is here | | As per age. |
| Sex | Female | | As per age. |
| | Male | | As per age. |
| | Other Gender Identity | | As per age, |
| Sexual Orientation | Lesbian | | As per age. |

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| | Gay | | As per age. |
| | Bisexual | | As per age.. |
| Socio-economic(fairness) | Options detailed in Appendix 2 | | As per age |

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+) | | <p>The current terms are double the compensation payable for voluntary redundancy using the statutory calculator for age and length of service. This will now be a flat cash rate for all employees (pro-rated). This has a negative impact on those who are older and who have more service.</p> <p>The current terms which effectively double an employee's notice period during which the search for suitable alternative employment is carried out are no longer affordable. This is particularly the case where there is no reasonable prospect of finding an alternative role.</p> | <p>If in pension scheme, employees can access their pension-no change to current arrangements.</p> <p>The statutory calculator for age and length of service is applied using actual week's pay – no change to the current arrangements.</p> <p>The terms payable for any compulsory redundancy have not changed.</p> <p>No change to the minimum search period of 8 weeks which is double the contractual notice for those with 8 years or less continuous service.</p> |

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| | | | <p>It is proposed that the search period for suitable alternative employment is the greater of statutory or contractual notice of up to a maximum 12 weeks or 3 months depending on the individual employee's contract of employment. This a negative impact on all employees with over 8 years continuous service regardless of their protected characteristics.</p> <p>These are mitigated by the column on the right.</p> | |
| | Younger People (16-64) | The current terms double the compensation payable for voluntary redundancy using the statutory calculator for age and length of service. This will now be a flat cash rate for all employees (pro-rated) and will favour those with less service and those who are younger. | <p>The current terms double the compensation payable for voluntary redundancy using the statutory calculator for age and length of service. This will now be a flat cash rate for all employees (pro-rated). This is a negative impact on those who are older and who have more service.</p> <p>This is mitigated by the column on the right.</p> | The terms payable for any compulsory redundancy have not changed. |
| | Children (0-16) | | | N/A- |
| | Looked After Children (Corporate Parenting) | | | N/A |
| Disability | Physical Disability | | | Only 2% of employees of PKC |

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| | | | | have declared themselves as having a disability. No evidence to suggest they would be negatively affected. |
| | Sensory Impairment | | | Only 2% of employees of PKC have declared themselves as having a disability. No evidence to suggest they would be negatively affected.. |
| | Mental Health | | | Only 2% of employees of PKC have declared themselves as having a disability. No evidence to suggest they would be negatively affected. |
| | Learning Disability | | | Only 2% of employees of PKC have declared themselves as having a disability. No evidence to suggest they would be negatively affected. |
| Gender Reassignment | Male transitioning to female | | | All employees will be treated fairly and consistently. |
| | Female transitioning to male | | | All employees will be treated fairly and consistently. |
| Marriage/Civil Partnership | Women | | | All employees will be treated fairly and consistently. |
| | Men | | | All employees will be treated fairly and consistently. |
| | Same Sex Couple (Male) | | | All employees will be treated fairly and consistently. |
| | Same Sex Couple (Female) | | | All employees will be treated fairly and consistently. |
| Pregnancy / Maternity/Paternity | Women | | | All employees will be treated fairly and consistently. |
| | Men (Paternity) | | | All employees will be treated fairly and consistently. |

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|--------------------|---|--|---|--|
| Race | A list of categories used in the census is here | | | All employees will be treated fairly and consistently. |
| Religion / Belief | A list of categories used in the census is here | | | All employees will be treated fairly and consistently. |
| Sex | Female | | As the flat rate £6K is being pro-rated for those who volunteer , this may mean that those who work part time may be disadvantaged. Women make up 74% of the workforce but 90% of part time staff (anyone working less than x1FTE and therefore who would receive a pro-rata payment) which means that to pro-rate the payment would have a disproportionate negative effect on female employees. This is mitigated by the column on the right. | The terms payable for any compulsory redundancy have not changed. |
| | Male | | | No impact from changes. |
| | Other Gender Identity | | | All employees will be treated fairly and consistently. |
| Sexual Orientation | Lesbian | | | All employees will be treated fairly and consistently. |
| | Gay | | | All employees will be treated fairly and consistently. |
| | Bisexual | | | All employees will be treated |

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| | | | | fairly and consistently. |
| Socio-economic(fairness) | Options detailed in Appendix 2 | | | All employees will be treated fairly and consistently. |

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+) | | | |
| | Younger People (16-64) | <p>During the consultation period on the proposed changes, the trade unions requested the search period remains at the current minimum 8 weeks search, rather than the original proposal which was to revert to the contractual minimum of 4 weeks. The trade unions argued that a minimum period of 8 weeks is a more reasonable period of time to search for suitable alternative employment. Officers have accepted this argument and therefore it is proposed that the minimum search will be 8 weeks for those employees who have 8 years or less continuous service, with a search period up to a maximum of 12 weeks/3-month based on the contractual notice period for those who have qualifying service. This reduces the negative impact on employees.</p> <p>The Council applies discretion to</p> | PJ | Amended for Committee - 1/2/23 (complete) |

| | | | | |
|---------------------------------|---|---|--|--|
| | | calculate a redundancy payment based on the actual week's pay rather than the statutorily capped rate which is currently £571 per week. No change is proposed here. This also mitigates the impact. | | |
| | Children (0-16) | | | |
| | Looked After Children (Corporate Parenting) | | | |
| Disability | Physical Disability | | | |
| | Sensory Impairment | | | |
| | Mental Health | | | |
| | Learning Disability | | | |
| 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 | | | |
| | Men (Paternity) | | | |

| | | | | |
|-------------------|---|---|----|--|
| Race | A list of categories used in the census is here | | | |
| Religion / Belief | A list of categories used in the census is here | | | |
| Sex | Female | <p>Generally-During the consultation period on the proposed changes, the trade unions requested the search period remains at the current minimum 8 weeks search, rather than the original proposal which was to revert to the contractual minimum of 4 weeks. The trade unions argued that a minimum period of 8 weeks is a more reasonable period of time to search for suitable alternative employment. Officers have accepted this argument and therefore it is proposed that the minimum search will be 8 weeks for those employees who have 8 years or less continuous service, with a search period up to a maximum of 12 weeks/3-month based on the contractual notice period for those who have qualifying service. This reduces the negative impact on employees.</p> <p>The Council applies discretion to calculate a redundancy payment based on the actual week's pay rather than the statutorily capped rate which is currently £571 per week. No change is proposed here. This also mitigates the impact.</p> | PJ | Amended for Committee - 1/2//23 (complete) |
| | Male | | | |

| | | | | |
|---------------------------------|---------------------------|--|--|--|
| | Other Gender Identity | | | |
| Sexual Orientation | Lesbian | | | |
| | Gay | | | |
| | Bisexual | | | |
| Socio-economic(fairness) | As detailed in Appendix 2 | | | |

Section 6: Outcomes

When the evidence has been considered in relation to the proposed Policy, Practice, Project, Service Reform or Budget Option, it will be apparent what the likely impacts are. The type, scale, duration, and specificity of the likely impacts will inform the direction of the outcome of the EFIA.

There are four potential outcomes as follows:

1. No major change required The Policy, Practice, Project, Service Reform or Budget Option is robust and can continue without amendment
2. Continue the Policy, Practice, Project, Service Reform or Budget Option. A justification is required for continuing despite the potential for adverse impact
3. Adjust or Amend the Policy, Practice, Project, Service Reform or Budget Option. Remove barriers, make changes to better advance equality or remove or mitigate negative impact
4. Stop, or Remove the Policy, Practice Project, Service Reform or Budget Option if adverse effects cannot be justified and cannot be mitigated.

The changes to the Framework do result in a negative impact for both females who **volunteer** and work part time in terms of the flat rate and for all employees with 8 years or more continuous service in terms of the search periods for suitable alternative employment.

Following a request from the unions to keep the minimum period of 8 weeks as this is a more reasonable period of time to search for suitable alternative employment. Officers have accepted this argument and therefore it is proposed that the minimum search will be 8 weeks for those employees who have 8 years or less continuous service, with a search period up to a maximum of 12 weeks/3-month based on the contractual notice period for those who have qualifying service.

No changes are proposed to the redundancy arrangements and the Council will continue to apply discretion to calculate a redundancy payment based on the actual week's pay rather than the statutorily capped rate which is currently £571 per week.

These two actions reduce the negative impact on the changes to the Framework. However, there is a requirement still to continue with the proposed changes as the main driver for the review is to ensure that the provisions within the Framework remain relevant and fit for purpose in the current financial climate. The changes will enable workforce change reviews to take place smoothly and timeously while supporting flexibility when responding to the Council's Transformation & Change programme. The Framework for Managing Workforce Change is a key policy framework for enabling workforce change. The revised Framework will provide greater flexibility and pace for developing and implementing transformation and change.

The revised Framework will protect people, as far as reasonably practical, to remain in Council employment.

Section 7: Authorising the Assessment

The following signatures are required:

Service Manager

Signed

Name .Pauline Johnstone

Date

Quality Assured by PKC Equality and Fairness Impact Assessment Trained Officer (within service)

Section 8: Publishing the Assessment

The completed and authorised EFIA should be added to your Service pages on the internet.

Date Action Completed 1/2/23

Date for Review of EFIA

Section 9: Committee Reporting

Ensure your Committee **report** to accompany this policy **includes information** about any **actions** taken to reduce or remove **negative impacts** identified, or include any **positive impacts** expected when the policy is implemented.

Section 10: Review and Monitor

Note of Action required (from Section 5) For both sex and age:

During the consultation period on the proposed changes, the trade unions requested the search period remains at the current minimum 8 weeks search, rather than the original proposal which was to revert to the contractual minimum of 4 weeks. The trade unions argued that a minimum period of 8 weeks is a more reasonable period of time to search for suitable alternative employment. Officers have accepted this argument and therefore it is proposed that the minimum search will be 8 weeks for those employees who have 8 years or less continuous service, with a search period up to a maximum of 12 weeks/3-month based on the contractual notice period for those who have qualifying service. This reduces the negative impact on employees. The Council applies discretion to calculate a redundancy payment based on the actual week's pay rather than the statutorily capped rate which is currently £571 per week. No change is proposed here. This also mitigates the impact. All actions completed as part of the Committee paper.

Date completed

1/2/2023

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/>