



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 Impact and Value Assessment) - 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 full definition 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 Impact and Value Assessment (IVA) 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 IVA 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 IVA, 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, the IVA will direct you to undertake a full Equality and Fairness Impact Assessment (EFIA).**

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 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 Impact and Value Assessment.

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 on 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 [Impact and Value Assessment](#).

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 on 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:

Gaelic Language Plan 2023 to 2028

Service and Division/Team:

Education and Children's Services – Secondary Division

Owner/Person responsible (include your name and position):

Donald MacLeod, Project Manager, Gaelic Development

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

Donald MacLeod, Project Manager, Gaelic Development
David Macluskey, Service Manager, Secondary Education

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 Gaelic Language Plan is a statutory plan intended to support the promotion and protection of the Gaelic language in Scotland.

Who are the main target groups/beneficiaries?

Children, young people and adults in the communities of Perth and Kinross who are Gaelic speakers, learners of Gaelic, interested in learning and/or participate in Gaelic language and/or cultural activities and/or interested in experiencing Gaelic-related activities.

What are the intended outcomes of the policy or practice?

To enhance the use of Gaelic in public services and communities, to have more people learning Gaelic and to ensure better promotion of Gaelic which includes a positive image, a strong profile, it being valued and recognized and for Gaelic to be an asset and of benefit to the organisation and to communities.

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 (continue on a separate sheet if necessary – tick to indicate this has been done <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	Public Consultation held over the month of August 2023. 57 responses were received from the public.
Employee involvement/consultation feedback (eg survey, focus groups)	A staff survey on current Gaelic skills in the workforce and their interest in learning was held over the month of August 2023. 217 members of staff responded. Services with commitments and actions in the Plan have been consulted and have co-created the commitments and actions.
Research and information list main sources	Guidelines on the Development of Gaelic Language Plans The National Gaelic Language Plans Gaelic Language Plans of other public bodies – circa 60 public bodies with Plans The 2 previous Gaelic Language Plans approved by Perth and Kinross Council Education Scotland Advice on Gaelic Education Bòrd na Gàidhlig statutory Guidance on Gaelic Education HMIE reports on Gaelic Education

Information/Evidence gained and used to shape this policy or practice	List details, source and date (continue on a separate sheet if necessary – tick to indicate this has been done <input type="checkbox"/>)
Officer knowledge and experience	Gaelic teacher Education Officer Gaelic Quality Improvement Officer – Secondary Service Manager – Secondary Gaelic Development Manager Worked in 3 Local Authorities on Gaelic Language Plans Member of Gaelic Local Authority Network
Equality monitoring data	Data and information on children, young people and their families who access Gaelic education including care experienced. Data and information on community interest groups and Gaelic-related activity.
Service user feedback (including customer contact, services and complaints)	Feedback from parents, children and young people, community interest groups and individuals. Feedback from services and departments with commitments and actions.
Partner feedback	Feedback from local and national Gaelic organisations and the ALEOs as well as other public bodies with Plans.
Other - this may be information gathered in another Council area, nationally or in partner organisations which is considered to have relevance	As above.

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 (continue on a separate sheet if necessary – tick to indicate this has been done <input type="checkbox"/>)
Age	Older people (65+)		Mostly positive feedback and responses on the commitments and actions of the Plan. Some negative feedback that relates to the perception of Gaelic being a waste of time and money.
	Younger people (16-64)		Mostly positive feedback and responses on the commitments and actions of the Plan. Some negative feedback that relates to the perception of Gaelic being a waste of time and money.
	Children (0-16)		
	Looked-After Children (Corporate Parenting)		
Disability	Physical disability		

Equality Protected Characteristic	Specific Characteristics	Date	Outcome of Consultation/Involvement (continue on a separate sheet if necessary – tick to indicate this has been done <input type="checkbox"/>)
	Sensory impairment		
	Mental health		
	Learning disability		
Gender Reassignment	Male transitioning to female		
	Female transitioning to male		
Marriage/Civil Partnership	Women		Mostly positive feedback and responses on the commitments and actions of the Plan. Some negative feedback that relates to the perception of Gaelic being a waste of time and money.
	Men		Mostly positive feedback and responses on the commitments and actions of the Plan. Some negative feedback that relates to the perception of Gaelic being a waste of time and money.
	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		Mostly positive feedback and responses on the commitments and actions of the Plan. Some negative feedback that relates to the perception of Gaelic being a waste of time and money.

Equality Protected Characteristic	Specific Characteristics	Date	Outcome of Consultation/Involvement (continue on a separate sheet if necessary – tick to indicate this has been done <input type="checkbox"/>)
Religion/Belief	A list of categories used in the census is here		Mostly positive feedback and responses on the commitments and actions of the Plan. Some negative feedback that relates to the perception of Gaelic being a waste of time and money.
Sex	Female		Mostly positive feedback and responses on the commitments and actions of the Plan. Some negative feedback that relates to the perception of Gaelic being a waste of time and money.
	Male		Mostly positive feedback and responses on the commitments and actions of the Plan. Some negative feedback that relates to the perception of Gaelic being a waste of time and money.
	Other gender identity		
Sexual Orientation	Lesbian		
	Gay		
	Bisexual		
Socio-economic (fairness)	Options detailed in Appendix 2		Communities of Place and Communities of Interest, Inequalities of Outcome all relevant to Gaelic Plan.

Section 4: Detail the positive and/or negative impacts or tick to indicate no impact identified

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+)	Wide-ranging positive impact for native and fluent speakers of Gaelic, learners of Gaelic and those wishing to learn or use Gaelic. Positive image for speakers, users and learners of Gaelic in their communities and beyond.	Reduction in possibilities and opportunities for using a native language or a learnt language and impact on Gaelic language in Scotland overall if not implemented. Impact on delivery of public services.	
	Younger people (16-64)	Wide-ranging positive impact for native and fluent speakers of Gaelic, learners of Gaelic and those wishing to learn or use Gaelic. Positive image for	Reduction in possibilities and opportunities for using a native language or a learnt language and impact on Gaelic language in Scotland overall if not implemented.	

Equality Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit the group concerned)	Negative Impact (it could disadvantage the group concerned)	No Impact
		speakers, users and learners of Gaelic in their communities and beyond. Benefits to staff in their work in developing their skillset and enhancing their employment opportunities and job satisfaction.	Impact on delivery of statutory public services. Impact on delivery of education and outcomes for children and young people if not implemented.	
	Children (0-16)	Benefit in accessing immersion and bilingual education provision and in acquiring an additional language.		
	Looked-After Children (Corporate Parenting)	Benefit in accessing immersion and bilingual education provision and in acquiring an additional language and a unique identity.		
Disability	Physical disability			
	Sensory impairment			
	Mental health			
	Learning disability			
Gender Reassignment	Male transitioning to female			
	Female transitioning to male			

Equality Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit the group concerned)	Negative Impact (it could disadvantage the group concerned)	No Impact
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			
	Male			
	Other gender identity			

Equality Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit the group concerned)	Negative Impact (it could disadvantage the group concerned)	No Impact
Sexual Orientation	Lesbian			
	Gay	As above		
	Bisexual	As above		
Socio-economic (fairness)	Options detailed in Appendix 2			

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+)	Implement the commitments and actions in the Gaelic language that will support more use of Gaelic, more people learning Gaelic and better promotion of Gaelic to community members and groups.	<p>A Gaelic Language Plan Steering Group comprising of representatives from the following Council Services will monitor the implementation of the Plan twice annually:</p> <ul style="list-style-type: none"> • Communications • Communities • Education and Children's Services • Environmental and Consumer Services • Finance • Human Resources • Organisational Development • Place and Business Development <p>The Gaelic Language Plan Steering Group will continue to report progress to Council annually over the lifetime of this 2023 to 2028 Plan.</p>	<p>Twice annually</p> <p>Annually around October time</p>

Equality Protected Characteristic	Specific Characteristics	Action	Who is responsible	Date for completion
			The Executive Director for Education and Children's Services has overall responsibility. The Gaelic Development Manager has day-to-day responsibility.	
	Younger people (16-64)	As above	As above	
	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			

Equality Protected Characteristic	Specific Characteristics	Action	Who is responsible	Date for completion
	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			
	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.

1. No major change required. The Policy, Practice, Project, Service Reform or Budget Option is robust and can continue without amendment.

Section 7: Authorising the Assessment

The following signatures are required:

Service Manager

Signed D Macluskey Name David Macluskey Date 15 Sept 2023

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

Signed Name Date

Section 8: Publishing the Assessment

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

Date Action Completed 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)

The Gaelic Language Plan Steering Group will continue to report progress to Council annually over the lifetime of this 2023 to 2028 Plan.

Date completed

Note of Action required (from Section 5)

A Gaelic Language Plan Steering Group comprising of various representatives from Council Services will monitor the implementation of the Plan twice annually.

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 and 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 and Kinross population identify as male, the same as Scotland overall. (Scottish Household Survey 2016)

Race – 98% of the Perth and 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 and 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 and 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 and 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 1,000 women aged 15-44. In other words, broadly 5.4% of women of childbearing 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, eg 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, eg 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 (ie 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, eg 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/>