

## Assessment Details

ID 698

Name Safe Staffing Programme EqIA

Organization Care Inspectorate

Description

Approver Hannah Lindsay, Jacqui Duncan

Respondent Angella Fulton, Marie McKerry, Helen Honore

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Very High Risks 0

High Risks 0

Medium Risks 0

Low Risks 0

Total Risks 0

Residual Risk Level None

Residual Risk Score 0.0

Result Approved

Result Comments

Under Review (Jacqui Duncan - Approved) Approved Marie McKerry 15/7/22; (Hannah Lindsay - Not Reviewed) ;

Primary Record Id

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Template Version 1

Open Risk Count 0

Open Info Request 0

Tags

Submission Progress (%) 100

## Assessment Questions

### 1 General information

#### 1.1 Your Equality Impact assessment relates to the following processing activity

*Response*

Project: Safe Staffing Improvement Project | Improvement Support

*Justification*

None

#### 1.2 Work to be assessed

*Response*

Change to existing work

*Justification*

None

#### 1.3 Details of policy, process or initiative

*Response*

The programme was commenced in December 2019. This is a national programme of work to support the implementation of new staffing legislation and is commissioned by the Scottish Government. The programme was suspended from March to November 2020 in response to the pandemic situation. Implementation of the Act was announced on 21 June 2022 and will take place on 1 April 2024. From April 2022 the scope of this programme was expanded to include all care services that employ staff.

The Safe staffing programme is linked to the corporate plan, the Scrutiny and Assurance directorate plan, the Improvement strategy, Involving people and other policies that relate to inspectors learning and development.

#### 1.4 Information Asset Owner

*Response*

Project: Safe Staffing Improvement Project | Improvement Support

*Response*

Chief Nurse

*Justification*

None

#### 1.5 Business Process Owner

*Response*

Project: Safe Staffing Improvement Project | Improvement Support

*Response*

Angella Fulton

*Justification*

None

### 2 Further details

#### 2.1 Please select the criteria which best relates to this work

*Response*

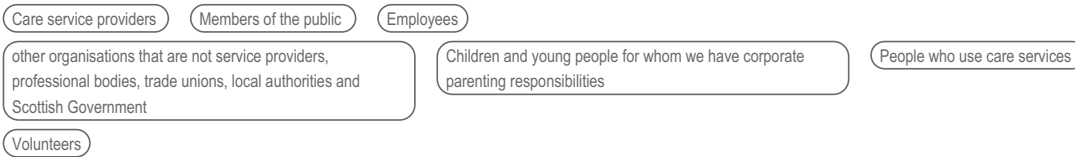
Service delivery/service design

*Justification*

None

## 2.2 Who will it affect?

### Response



### Justification

None

## 2.3 What is the aim?

### Response

To work with a range of stakeholders to improve the assessment of staffing in care services in Scotland and to support the implementation of staffing legislation.

## 2.4 Why is the change required?

### Response

Why is the change required? (e.g., legislative, routine review-)

Duty and powers for the Care Inspectorate are set out in the Health and Care (Staffing)(Scotland) Act 2019. These are as follows:

- Duty to development of staffing methods in care homes for adults and such other care services as the Scottish Ministers may by regulation specify.
- Duty to consider multi-disciplinary staffing tools.
- Power to review and develop staffing methods.

## 2.5 What outcomes do you want to achieve?

### Response

To ensure that in care services in Scotland there are the right people, in the right place, with the right skills at the right time working to ensure people experience the best health and care outcomes. To support those working in the social care sector to meet the legislative requirements.

## 2.6 What barriers are there to achieving these outcomes?

### Response

Diversity of the sector, time, scope, and resources. We are operating in a context of a national staffing crisis and the ongoing impact of the Covid-19 pandemic.

## 2.7 When is the change due to be implemented?

### Response

📅 2023/03/31

### Comments

Helen Honore

Indicative date only given at this stage. The EQIA will be reviewed on a minimum annually.

2022/05/04 13:59

## 2.8 What other Care Inspectorate policies or projects may be linked to or affected by changes to this work?

### Response

- Corporate Parenting Plan
- Improvement and Involvement Support Interim Strategy
- Equality, Diversity and Inclusion Strategy
- Information Governance Strategy
- Strategic Workforce Plan
- Financial Strategy
- Communication Strategy
- The Promise
- Corporate Plan
- Directorate Plan
- Inspection/Scrutiny and Assurance Plan

### Justification

None

## 3 Potential impacts - Age

### 3.1 Do you think the work impacts on people of different ages differently?

#### Response

Yes

#### Justification

None

### 3.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment and victimisation of people based on their age?

Please include a justification for your answer. You may select both positive and negative if you identify both kinds of impact.

#### Response

Negative Positive

#### Justification

We have considered workforce and workload data and noted a wide range of adult ages working in health and social care. The majority are between 26 - 64 in children and young people's services so it may be more difficult to gain views from staff outwith these age groups.

We will consult with people who are not registered with us, such as carers (adult and young carers) and advocacy groups who support adults, children and young people.

The programme applies a human rights approach using panel principles and principles of Health and care standards. Promoting rights of people in care services (this will include all ages) and the social care workforce and ensuring practice is non-discriminatory in terms of age.

The programme will work in line with the above values and principles in collaboration with the social care sector workforce.

The work will be collaborative and those accessing and working in care services will be represented, involved and consulted.

The programme will promote good relations by tackling any prejudice and promote understanding of the difference between young and older people and improving integration.

#### Comments

Jacqui Duncan

2022/05/31 12:03

This question is looking at eliminating or where this is not possible trying to reduce discrimination (indirect and direct), harassment, victimisation and any other conduct that is prohibited by the Equality Act, to ensure fairness.

Is there anything here that could impact on people because of age (younger and older people)? Differences because of age can sometimes be objectively justified so we would need to include rationale for it if there was.

### 3.3 What kind of impact is there in terms of advancing equality of opportunity between people of different ages?

Please include a justification for your answer. You may select both positive and negative if you identify both kinds of impact.

#### Response

Positive

#### Justification

The programme will ensure that staff working unsocial hours in care services are considered, e.g. activities to take place evenings and weekends. Communications that are accessible to staff working night shift.

We are consulting face to face with older people living in care homes to make it easier for them to be involved. Virtual events are available for adults and older people. We have not yet started consulting directly with children and young people and will update this EQIA once we do this.

#### Comments

Jacqui Duncan

2022/05/31 12:06

Need a response to this question please-

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. So it is looking at age (people of different ages, including younger and older people) so we need to think of:

Removing barriers or minimise disadvantages suffered by persons who share a relevant protected characteristic (of age) that are connected to that characteristic.

Taking steps to meet the needs of persons who share a relevant protected characteristic (of age) that are different from the needs of persons who do not share it.

Encouraging persons who share a relevant protected characteristic (of age) to participate in public life or in any other activity in which participation by such persons is disproportionately low. We know it can be difficult for younger and older people to take part in certain activities.

### 3.4 What kind of impact is there in terms of fostering good relations among and between different age groups?

Please justify your answer. You may select both positive and negative if you identify both kinds of impact.

#### Response

Positive

#### Justification

We will recruit to the Safe Staffing Programme by considering both skills and experience to allow equal opportunities for younger and older people.

We will seek permission to share views from younger and older people to promote understanding of difference.

#### Comments

Jacqui Duncan

2022/05/31 12:08

need an answer here please

This question is looking at fostering good relations between persons who share a relevant protected characteristic (of age) and persons who do not share it.

It's helpful to think about this as relationships and trying to create an environment of respect so how you/ others:

- tackle prejudice
- promote understanding of difference
- improve integration
- reduce bullying and harassment.

Relationships- can mean (network groups, manager and employees, volunteers, residents, visitors, any other stakeholder group)

### 3.5 If you answered 'negative' to any of the questions above, please outline how you will mitigate this.

#### Response

Re a reduced number of younger and older staff working in CYP: we will mitigate this by highlighting that views from staff of all ages are welcome and having a variety of platforms for people to contribute on - face to face, virtual, citizen lab, Microsoft forms.

4.1 Do you think this work affects disabled people differently to non-disabled people?

*Disability: a physical or mental impairment that has a substantial and long-term negative effect on your ability to do normal daily activities.*

**Response**

Yes

**Justification**

None

4.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of disabled people?

*Please justify your answer. You may select both positive and negative if you identify both kinds of impact.*

**Response**

Positive

**Justification**

The experience and views of people with dementia (who make up a large percentage of people experiencing care in care homes) will be fully taken into account in the work of the project.

For all care services we will use a human rights approach using panel principles and principles of Health and care standards. Promoting rights of people accessing social care services and workforce. This will include people living with a disability.

4.3 What kind of impact is there in terms of advancing equality of opportunity between people with and without a disability?

*Please justify your answer. You may select both positive and negative if you identify both kinds of impact.*

**Response**

Positive

**Justification**

We will use a range of communication methods e.g. subtitles on presentations, face to face and virtual meetings to support equality of access to information. We are trained in dementia care and will conduct face to face consultations with people experiencing dementia and their carers, when appropriate using communication tools as necessary. We are also considering the use of SOFI observations to learn about people's experience when they are unable to verbalise this.

Our communications can be made available in easy read format and different languages.

We also are committed to ensuring the correct type of support and equipment and access are available to help people be involved. (Working jointly with involving people team).

---

**Comments**

Jacqui Duncan

2022/05/31 12:12

Do you do anything specific to remove barriers to improve accessibility for people with dementia to participate?

Helen Honore

2022/06/01 10:55

I added in a bit about us being trained in dementia care and about using communication tools and SOFI observations as necessary - is that enough?

Jacqui Duncan

2022/06/24 09:22

Perfect

4.4 What kind of impact is there in terms of fostering good relations among & between disabled and non-disabled people?

*Please justify your answer. You may select both positive and negative if you identify both kinds of impact.*

**Response**

Positive

**Justification**

The programme has representation in the Steering group that includes Involving people, unions, professional bodies, etc.

We will also have a user representation reference group and meetings will take place supported by the Care Inspectorate Involving people department to understand lived experience and promote an understanding of difference.

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**Comments**

Jacqui Duncan

2022/05/31 12:13

Is the purpose of the involving people group to understand lived experience/ promote an understanding of difference?

4.5 If you answered 'negative' to any of the questions above, please outline how you will mitigate this.

*Response*

N/A

## 5 Potential impacts - Sex

5.1 Do you think this work affects people of different sexes in different ways?

*Response*

No

*Justification*

None

5.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people based on their sex?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

*Response*

None

*Justification*

The majority of the workforce in care homes for older people in Scotland are female. This programme will be conducted in a way that promotes equality and inclusivity.

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**Comments**

Jacqui Duncan

2022/05/31 12:17

I think this might need to be a none/ not sure

5.3 What kind of impact is there in terms of advancing equality of opportunity between people of different sexes?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

*Response*

None

*Justification*

This programme will be conducted in a way that promotes equality and inclusivity. We will consider the opportunities for people who work part-time (note: it is women who mostly work part time). Employees in the safe staffing programme will receive the same pay for doing the same job regardless of their sex.

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**Comments**

Jacqui Duncan

2022/05/31 12:16

Do women mostly work part time? Is there anything you do to support men? not sure this is a positive/ maybe not sure or none?

5.4 What kind of impact is there in terms of fostering good relations among & between people of different sexes?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

*Response*

None

*Justification*

The project will work with men and women and ensure good representation of each

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**Comments**

Jacqui Duncan

2022/05/31 12:18

Again not sure this is positive (and that's okay)

5.5 If you answered 'negative' to any of the questions above, please give details on how you will mitigate this.

*Response*

N/A

## 6 Potential impacts - Pregnancy and maternity

6.1 Do you think this work impacts on people who are pregnant or have given birth in the past 26 weeks differently to others?

*Response*

No

*Justification*

None

6.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people who are pregnant or gave birth in the past 26 weeks?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

*Response*

None

*Justification*

The programme will not have an impact on women because of pregnancy and maternity however the wellbeing of all staff working in the social care sector will be considered.

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**Comments**

Jacqui Duncan

2022/05/31 12:19

none rather than positive?

6.3 What kind of impact is there in terms of advancing equality of opportunity between people who are pregnant or have given birth in the past 26 weeks, and those who are/have not?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

*Response*

None

*Justification*

The wellbeing of all staff working in the social care sector will be considered

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**Comments**

Jacqui Duncan

2022/05/31 12:19

none rather than positive?

6.4 What kind of impact is there in terms of fostering good relations between people who are pregnant or have given birth in the past 26 weeks, and those who are/have not?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

*Response*

None

*Justification*

The programme will ensure information is available on the Care Inspectorate hub. This will help ensure access for staff who are on maternity leave.

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**Comments**

Jacqui Duncan

2022/05/31 12:19

none?

6.5 If you answered 'negative' to any of the above questions, please outline how you will mitigate this.

*Response*

N/A



## 7 Potential impacts - Gender reassignment

### 7.1 Do you think this work impacts non-binary people, or transgender people/ people with a trans history differently to people whose gender identity and expression matches their biological sex?

*A decision to undertake gender reassignment is made when an individual feels that their gender at birth does not match their gender identity. This is called 'gender dysphoria' and is a recognised medical condition.*

*Gender reassignment refers to individuals, who either:*

- *Have undergone, intend to undergo or are currently undergoing gender reassignment (medical and surgical treatment to alter the body).*
- *Do not intend to undergo medical treatment but wish to live permanently in a different gender from their gender at birth.*

*Non-binary identity is also a protected characteristic under the Equality Act.*

#### Response

No

#### Justification

None

### 7.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of transgender people?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

#### Response

None

#### Justification

We will be looking to ensure the programme is inclusive. As the new staffing legislation has specific duties to consider the wellbeing of staff we may reference this community where relevant. We will do this in a sensitive way to ensure this is balanced against other people's needs

#### Comments

Jacqui Duncan

2022/05/31 12:20

any barriers to someone who is trans (indirect or direct?) This can be challenging in terms of names, pronouns, background checks, toilets... or maybe I've misunderstood. Is it positive or not sure/ none/negative?

### 7.3 What kind of impact is there in terms of advancing equality of opportunity between transgender/ people with a trans history and people whose gender identity and expression matches the biological sex?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

#### Response

Not Sure

#### Justification

We will promote a culture of respect, collaboration and inclusion.

As the new staffing legislation has specific duties to consider the wellbeing of staff we may reference this community where relevant. We will do this in a sensitive way to ensure this is balanced against other people's needs.

We appreciate there are disadvantages to this group with respect to pronouns, background checks, work areas defined by sex (toilets and changing areas) and stigma. We may consider adding this to future work we do on the wellbeing of staff but at present our focus is on recommendations for a staffing method, which will be based on the care inspectorate values.

#### Comments

Jacqui Duncan

2022/05/31 12:23

see above- there's lots of things that can disadvantage someone who is trans, guidance/training/ changes can all help to advance equality. Is it not sure/none/ negative?

7.4 What kind of impact is there in terms of fostering good relations between transgender/ people with a trans history and people whose gender identity and expression matches the biological sex?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

**Response**

Not Sure

**Justification**

We will be looking to ensure the programme is inclusive. As the new staffing legislation has specific duties to consider the wellbeing of staff we may reference this community where relevant. We will do this in a sensitive way to ensure this is balanced against other people's needs.

---

**Comments**

Jacqui Duncan

2022/05/31 12:25

Potentially training here? Is it positive or negative/none/ not sure?

7.5 If you answered 'negative' to any of the above questions, please outline how you will mitigate this.

**Response**

N/A

## 8 Potential impacts - Sexual orientation

8.1 Do you think this work impacts people of different sexual orientations differently?

**Response**

No

**Justification**

None

8.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people of different sexual orientations?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

**Response**

None

**Justification**

To eliminate unlawful discrimination, harassment & victimisation and advance equality of opportunity the programme will use a Human rights approach using panel principles and principles of Health and care standards. Promoting rights of people accessing care services and those making up the workforce regardless of their sexual orientation.

8.3 What kind of impact is there in terms of advancing equality of opportunity between people of different sexual orientations?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

**Response**

None

**Justification**

As above.

We will promote a culture of respect and future training or guidance we produce on the wellbeing of staff may include raising awareness of sexual orientation.

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**Comments**

Jacqui Duncan

2022/05/31 12:26

anything to remove barriers/ increase participation for lesbian, gay or bisexual people?

8.4 What kind of impact is there in terms of fostering good relations between people of different sexual orientations?

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

**Response**

None

**Justification**

We will promote a culture of respect and future training or guidance we produce on the wellbeing of staff may include raising awareness of sexual orientation.

---

**Comments**

Jacqui Duncan

2022/05/31 12:27

Need to say something here- even if it is nothing- consider training/ raising awareness

8.5 If you answered 'negative' to any of the above questions, please outline how you will mitigate this.

**Response**

N/A

## 9 Potential impacts - Race

9.1 Do you think this work impacts people of different races differently?

Race applies to national or ethnic origin, nationality, colour, Gypsy, Roma and Traveller community membership.

**Response**

No

**Justification**

None

9.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people of different races?

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

**Response**

None

**Justification**

SSSC workforce data tells us that around 75% of the health and social care workforce is white, 1% Asian, 1% black and 23% unknown. We acknowledge that we need to work hard to engage with people from the minority ethnic communities. We do not currently have anyone from minority ethnic communities on any of our groups but would be keen to include these communities where we can.

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**Comments**

Jacqui Duncan

2022/05/31 12:29

this is all great but I'd put this is 9.3 as it answer advancing equality of opportunity in terms of overcoming barriers. for 9.2 is there any potential for indirect or direct discrimination based on race?

9.3 What kind of impact is there in terms of advancing equality of opportunity between people of different races?

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

**Response**

None

**Justification**

The safe staffing programme will use a range of communication methods e.g., subtitles on presentations to support equality of access to information. Our communications can be made available in easy read format and different languages. We also are committed to ensuring the correct type of support and equipment and access to these are available to help people be involved.

9.4 What kind of impact is there in terms of fostering good relations between people of different races?

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

**Response**

None

**Justification**

The safe staffing programme will foster a culture of dignity and respect and future training or guidance we produce on the wellbeing of staff may raise awareness of the 9 characteristics in the equality act.

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**Comments**

Jacqui Duncan

2022/05/31 12:30

Anything we can include about raising awareness/ training about race to reduce bullying harassment/ foster a culture of dignity and respect?

9.5 If you answered 'negative' to any of the above questions, please outline how you will mitigate this.

**Response**

N/A

10 Potential impacts - Religion or belief

10.1 Do you think this work impacts on people of different religions or beliefs differently?

This includes people with no religion or belief, and environmentalism.

**Response**

No

**Justification**

None

10.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people of different religions or beliefs?

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

**Response**

None

**Justification**

There will be no impact on people because of their religion or beliefs and the work of the project will be sensitive to people with differing beliefs.

10.3 What kind of impact is there in terms of advancing equality of opportunity between people of different religions or beliefs?

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

**Response**

None

**Justification**

The programme will not have an impact on religion and belief, however the wellbeing of all staff working in the social care sector will be considered

10.4 What kind of impact is there in terms of fostering good relations between people with different religions and beliefs?

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

**Response**

None

**Justification**

The programme will not have an impact on religion and belief, however the wellbeing of all staff working in the social care sector will be considered - this includes promoting difference/ awareness of difference and respect.

10.5 If you answered 'negative' to any of the above questions, please outline how you will mitigate this.

*Response*

N/A

## 11 Potential impacts - Marriage or civil partnership

11.1 Do you think this impacts employees who are married or in a civil partnership differently to those who are not?

*This refers specifically to Care Inspectorate employees, not service users who are married or in a civil partnership.*

*Only the first part of the Public Sector Equality Duty (eliminate unlawful discrimination, harassment and victimisation) apply to marriage and civil partnership.*

*Response*

No

*Justification*

None

11.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of employees based on their marriage/civil partnership status?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

*Response*

None

*Justification*

This is not related to employment

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**Comments**

**Jacqui Duncan**

you don't need to fill in this section as it's only for CI employees

2022/05/31 12:31

11.3 If you answered 'negative' to any of the above questions, please outline how you will mitigate this.

*Response*

this is not related to employment

## 12 Potential impacts - Children and young people for whom we have corporate parenting responsibilities

12.1 Do you think this work impacts children and young people who we have a corporate parenting responsibility for differently to others?

*We have corporate parenting responsibility for every child who is looked after by a local authority, and every young person under the age of 26 who was looked after on their 16th birthday.*

*Response*

Yes

*Justification*

None

12.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of children and young people we have a corporate parenting responsibility for?

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

**Response**

Positive

**Justification**

We will consider the objectives and values of guidelines such as UNCRC, the Health and Social Care Standards, The Promise, Gifec and SHANARRI and promote these where appropriate to ensure non discrimination.

---

**Comments**

Jacqui Duncan

2022/05/31 12:32

I'd move this to 12.3

12.3 What kind of impact is there in terms of advancing equality of opportunity between children and young people we do and do not have a corporate parenting responsibility for?

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

**Response**

Positive

**Justification**

We will involve our colleagues in ELC and CYP in the work of the programme to ensure our knowledge is best practice before sending out any information relating to children and young people, this will help to remove barriers, and encourage participation of infants, children and young people.

12.4 What kind of impact is there in terms of fostering good relations between children and young people we do and do not have a corporate parenting responsibility for?

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

**Response**

Positive

**Justification**

We will consider the objectives and values of guidelines such as UNCRC, the health and social care standards, The Promise, Gifec and SHANARRI and promote these where appropriate to raise awareness and promote a culture of respect.

---

**Comments**

Jacqui Duncan

2022/05/31 12:33

This is more about relationships/ raising awareness.../ creating a culture of respect...

12.5 If you answered 'negative' to any of the above questions, please outline how you will mitigate this.

**Response**

N/A

## 13 Potential impacts - Care Inspectorate employees who have caring responsibilities

13.1 Do you think this work impacts Care Inspectorate employees who have caring responsibilities differently to those who do not?

**Response**

No

**Justification**

None

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**Comments**

Jacqui Duncan

2022/05/31 12:34

This whole section is only for CI employees

13.2 What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of employees who have caring responsibilities?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

**Response**

Positive

**Justification**

The programme will include and involve Care Inspectorate employees with caring responsibilities. We will follow the care inspectorate policy on employees with caring responsibilities.

13.3 What kind of impact is there in terms of advancing equality of opportunity between employees who do and do not have caring responsibilities?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

**Response**

Positive

**Justification**

The programme will make provision for engagement out with office hours for employees who have caring responsibilities away from their workplace.

We produce regular flash reports on work we have done which inspectors on our practice development group cascade to their teams. This and other information will be available on our intranet page so that people can catch up with our work.

Care inspectorate employees will be invited to participate in the work of the programme through its lifetime. This will include participation in focus groups, focused improvement work and inspections.

13.4 What kind of impact is there in terms of fostering good relations between employees who do and do not have caring responsibilities?

*Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.*

**Response**

None

**Justification**

as above and by promoting a culture of respect

13.5 If you answered 'negative' to any of the above questions, please outline how you will mitigate this.

**Response**

N/A

## 14 Child Rights and Wellbeing Impact Assessment

14.1 Please note this section only needs to be completed if the work involves/impacts on children in any way.

*Please write n/a in the questions below if this section is not applicable to your work.*

## 14.2 Which UNCRC Articles are relevant?

*List all relevant Articles of the UNCRC and Optional Protocols. All UNCRC rights are underpinned by the four general principles: non-discrimination; the best interests of the child; the right to life, survival and development; and the child's right to have their views given due weight.*

### **Response**

1 definition of a child  
2 non-discrimination  
3 best interests of the child  
4 implementation of rights  
6 survival and development  
7 name and nationality  
12 the child's opinion  
13 freedom of expression  
14 freedom of thought, conscience and religion  
15 freedom of association  
16 protection of privacy  
17 access to appropriate info  
19 protection from abuse and neglect  
20 protection of children without families  
21 adoption  
22 refugee children  
23 children with a disability  
24 health and health services  
25 periodic review of placement in care settings  
26 social security  
27 **growing up free from poverty**  
28 education  
29 aims of education  
30 children of minorities or indigenous peoples  
31 leisure, recreation and cultural activities  
32 **child labour**  
33 drug abuse  
34 sexual exploitation  
35 **sale, trafficking and abduction**  
36 other forms of exploitation  
37 torture and deprivation of liberty  
39 rehabilitative care  
40 administration of juvenile justice  
41 respect for existing standards  
42 states - make these rights widely known to adults and children

The majority of articles are relevant - we did not include those where it concerned trafficking and armed combat. We are working with our colleagues in ELC and CYP to inform them about the Health and Care (Staffing) (Scotland) Act 2019 and plan to collaborate more with them and services to inform our recommendations to Scottish Government on a staffing method. The articles listed above are relevant to the work they do.

## 14.3 What impact will this work have on children's rights?

### **Response**

Positive

### **Justification**

By supporting care services that are provided for children to provide staffing in line with the new legislation this could have a positive impact on children's rights being realised and supported

## 14.4 Will there be different impacts on different groups of children and young people?

*Which groups of children will be affected by the policy/measure? Are there competing interests between different groups of children and young people, or between children and young people and other groups?*

### **Response**

The programme communications, resources and engagements are and will be tailored appropriately.

## 14.5 How will the work contribute to the wellbeing of children and young people in Scotland?

*Outline how the implementation of the policy/measure will support public bodies in Scotland to meet their duties to safeguard, support and promote the wellbeing of children in their area, with wellbeing defined by eight wellbeing indicators. The indicators are: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.*

### **Response**

By supporting care services that are provided for children to provide staffing in line with the new legislation this could have a positive impact on children's rights and wellbeing being realised and supported. By supporting Care Inspectorate staff that engage with these service we aim to enhance their learning and understanding of the staffing legislation, which in turn can help them to contribute to the wellbeing of children and young people



## 14.6 How will the work give better or further effect to the implementation of the UNCRC in Scotland?

*This will inform Scottish Ministers' duty to report to Parliament on children's rights under the Children and Young People (Scotland) Act 2014*

### **Response**

The programme will be a source of information back to Scottish Government and ministers about staffing in care services. The new staffing legislation will require Scottish ministers to report annually on staffing in care services (including services for children and young people).

## 14.7 Have you involved children and young people in the development of this work?

*Is there enough information on the views of the children and young people who will be affected by the policy/measure that enables you to make an informed assessment of impact?*

### **Response**

we have held focus groups and events with inspection, complaint and registration staff in ELC and CYP

## 15 Considering the available evidence

### 15.1 Considering the available evidence

*The information you gather in this section will:*

- help you to understand the importance of your policy for different equality groups
- provide justification and an audit trail behind your decisions.

*The evidence base may include demographic information, academic research, service monitoring/inspection reports, service evaluation reports, user surveys, etc.*

*Look at what existing evidence tells you about the experiences of people who share relevant equality characteristics, and/or what it tells you about their views of the work in question. Identify any gaps in the evidence base and set out how you will address these.*

*The attached document provides helpful suggestions for where you might look for relevant evidence. You can also find this document by searching 'evidence sources' on the Intranet.*

### 15.2 Have you noticed any gaps in existing evidence/data? Did you want to gather evidence for something but the evidence was not there?

#### **Response**

Not Answered

#### **Justification**

Further engagement and academic engagement will be required to gather more information on staff wellbeing and the importance of the project for different equality groups.

### 15.3 Which equality characteristics have you gathered relevant evidence for?

#### **Response**

Care Inspectorate employees who have caring responsibilities

Sex

Sexual orientation

Disability

Gender reassignment

Race

Religion or belief

Age

#### **Justification**

None

### 15.4 Please include quantitative and qualitative evidence relating to age

*Name the source(s) used, and either provide a link (if external) or attach below (if internal).*

#### **Response**

SSSC workforce data 2019 <https://data.sssc.uk.com/data-publications/248-adults-services-workforce-in-scotland-tables-2019>  
<https://data.sssc.uk.com/images/WDR/WDR2019.pdf>

15.5 What does the evidence tell you about the experiences of people of different ages in relation to this work?

*Response*

Almost half the workforce of care homes for older people in Scotland are age 45 and above with nearly 25% of the total workforce age 55 and over.

Total workforce is 46,340 with 10,250 (45-54) 10,270 (55-64) and 1590 age 65+.

Scotland's population is ageing. In mid-2018, 19% of the population were 65 and over compared with 16% in mid-2008.

90% of long stay care home residents were 65+

The increase in the population of older age groups has been much higher than younger age groups over the last 20 years.

The largest increase has been in the 75 and over age group (+31%) whereas the population of children aged 0 to 15 has decreased the most (-8%).

15.6 Please include quantitative and qualitative evidence relating to disability

Name the source(s) used, and either provide a link (if external) or attach below (if internal).

*Response*

Is Scotland Fairer 2018

SSSC workforce data 2019 <https://data.sssc.uk.com/data-publications/248-adults-services-workforce-in-scotland-tables-2019>

15.7 What does the evidence tell you about the experiences of disabled people in relation to this work?

*Response*

Disabled people were more likely to be unemployed

15.8 Please include quantitative and qualitative evidence relating to race

Name the source(s) used, and either provide a link (if external) or attach below (if internal).

*Response*

Ethnicity and poverty in Scotland 2020

SSSC workforce data 2019 <https://data.sssc.uk.com/data-publications/248-adults-services-workforce-in-scotland-tables-2019>

<https://data.sssc.uk.com/images/WDR/WDR2019.pdf>

15.9 What does the evidence tell you about the experiences of people of different races in relation to this work?

*Response*

In 2019, the employment rate for minority ethnic people aged 16-64 was 59.3%, compared to a 75.7% for white people, a gap of 16.4%.

According to research most disabled Gypsy/Travellers and carers do not access social care services regularly. Despite the community's young age profile,

Gypsy/Travellers face high levels of disability.

15.10 Please include quantitative and qualitative evidence relating to sex

Name the source(s) used, and either provide a link (if external) or attach below (if internal).

*Response*

Fair work in Scotland's social care sector

SSSC workforce data 2019 <https://data.sssc.uk.com/data-publications/248-adults-services-workforce-in-scotland-tables-2019>

<https://data.sssc.uk.com/images/WDR/WDR2019.pdf>

15.11 What does the evidence tell you about the experiences of people of different sexes in relation to this work?

*Response*

202,090 whole time equivalent staff employed in the Social Care Sector - 83% are women.

Of the 46,340 people working in care homes for older people in Scotland 40,020 are female which is over 80%.

15.12 Please include quantitative and qualitative evidence relating to gender reassignment

Name the source(s) used, and either provide a link (if external) or attach below (if internal).

*Response*

Equality evidence finder <http://www.equalityevidence.scot/>

15.13 What does the evidence tell you about the experiences of transgender people in relation to this work?

*Response*

Around 1% of the population is transgender.

15.14 Please include quantitative and qualitative evidence relating to sexual orientation

*Name the source(s) used, and either provide a link (if external) or attach below (if internal).*

*Response*

Is Scotland Fairer 2018 [https://www.equalityhumanrights.com/sites/default/files/is-britain-fairer-2018-is-scotland-fairer\\_0.pdf](https://www.equalityhumanrights.com/sites/default/files/is-britain-fairer-2018-is-scotland-fairer_0.pdf)  
Stonewall unhealthy attitudes 2015 [https://www.stonewall.org.uk/system/files/unhealthy\\_attitudes.pdf](https://www.stonewall.org.uk/system/files/unhealthy_attitudes.pdf)

15.15 What does the evidence tell you about the experiences of people of different sexual orientations in relation to this work?

*Response*

In 2015, 29% of health and social care staff heard colleagues make negative remarks about LGBT people or use discriminatory language. As in 2017/18 bisexual people were less likely to report that they were treated with compassion and understanding (76.2%) compared with heterosexual/straight people (87.2%). Some lesbian, gay, bisexual and transgender (LGBT) people experienced homophobic, biphobic and transphobic language and behaviour in health and social care settings.

There is a lack of confidence among some social care staff, in their ability to understand and meet the needs of LGBT people who use care services.

15.16 Please include quantitative and qualitative evidence relating to religion or belief

*Name the source(s) used, and either provide a link (if external) or attach below (if internal).*

*Response*

Equality evidence finder <http://www.equalityevidence.scot/>

15.17 What does the evidence tell you about the experiences of people of different religions or beliefs in relation to this work?

*Response*

Just over a half of adults (50%) in 2018 report not belonging to a religion.

15.26 Please include quantitative and qualitative evidence relating to employees with caring responsibilities

*Name the source(s) used, and either provide a link (if external) or attach below (if internal).*

*Response*

SSSC workforce data <https://data.sssc.uk.com/data-publications/248-adults-services-workforce-in-scotland-tables-2019>  
<https://data.sssc.uk.com/images/WDR/WDR2019.pdf>

15.27 What does the evidence tell you about the experiences of employees with caring responsibilities in relation to this work?

*Response*

Almost half (21, 180 people) of the workforce in care homes for older people in Scotland are employed on a part-time basis.

## 16 Stakeholder engagement & consultation

16.1 Have you engaged and consulted with relevant groups?

*Response*

Yes

*Justification*

None

16.2 Please state who was engaged/consulted with

**Response**

People experiencing care and their relatives and organisations, groups and individuals representing them.  
People working in, managing and providing care services.  
Care inspectorate management and leadership and staff.  
Key stakeholders and members of the SSP working and governance groups - this includes professional and membership bodies as well as trade unions.

16.4 How was the engagement/consultation carried out?

*If other, please specify below*

**Response**

regular and varied engagement activities  Focus group  Public event  
 Testing of a staffing method in care homes. In person meetings and discussion. Presenting at events  Survey

**Justification**

None

16.5 Has the proposal been reviewed/changed because of the engagement/consultation?

**Response**

Yes

**Justification**

None

16.6 What did you learn from the engagement/consultation?

**Response**

Views and experiences of people have influenced the delivery of all aspects of the programme including the communication materials. these have been designed to be easy to access and understand, quick to view/ read and support from the programme team is made available to those who request this.

16.7 Have the results been shared with the people you engaged/consulted with?

**Response**

Yes

**Justification**

None

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**Comments**

Helen Honore

when the eqja is made public it will be shared

2022/05/04 15:07

16.8 Is further engagement/consultation recommended?

**Response**

Yes

**Justification**

None

**17** Assessment outcome

17.1 Please read the following four statements:

1) No major change required. Your assessment demonstrates that the work is robust. The evidence shows no potential for unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.

2) The work must be adjusted to reduce impact on protected characteristic groups. You need to take proportionate steps to remove any barriers, to better advance equality of to foster good relations. You have set actions to address this and have clear ways of monitoring the impact of the work when implemented.

3) Continue with the work but it is not possible to remove all the risk to protected characteristic groups. The work will continue despite the potential for adverse impact. You have justified this with this assessment and shown how this decision is compatible with our obligations under the public sector equality duty. When you believe any discrimination can be objectively justified you must record in this assessment what this is and how the decision was reached.

4) Stop the work as this is potentially in breach of equality legislation. The work will not be implemented due to adverse effects that are not justified and cannot be mitigated.

17.2 Which of the four statements best matches your assessment?

**Response**

Option 1

**Justification**

None

17.3 Option 2

If you select this option you must submit an action plan to make arrangements to monitor any potential adverse impacts.

## 18 Monitoring and review

18.1 How will you monitor the implementation of this work?

**Response**

Regular quality assurance and reporting to key stakeholders and governance boards

18.2 How will you use the results of the monitoring to develop the work?

**Response**

Increase knowledge and understanding of equalities by sharing and involving the programme team members in the EQIA. The programme team will review, update and when necessary will amend the programme plans and activities based on the results of monitoring

18.3 When and how will you review this work? Please also give details of who is responsible.

**Response**

a minimum of an annual review or as necessary (i.e. if there are significant changes to the scope of the programme, new researcher guidance and/or feedback from people). The project lead will take responsibility for reviewing the policy with the programme team and Chief Nurse and based on feedback from stakeholders. Governance meetings are scheduled in on a regular basis and QA activities will be undertaken at least monthly.

18.4 Please give details of how you will monitor any adverse impact over time, and how you will consider the monitoring information gathered in relation to equality. This ensures that you understand the actual impact of the policy, process or initiative once implemented.

**Response**

As above. Team members of the programme have completed equality training

## 19 Sign off and approval

19.1 Approved by (senior manager or Executive Director)

Please state full name and job title

**Response**

Marie McKerry, Chief Nurse

## 19.2 Date Approved

### *Response*

 2022/07/15

## 19.3 Review Date

### *Response*

 2023/07/14

## 19.4 Person responsible for reviewing?

### *Response*

Safe Staffing Adviser

## 20 Conclusion

### 20.1 The full Equality Impact Assessment Form is now complete.

*Thank you for your time in helping the Care Inspectorate and your Information Asset Owner understand equality impact associated with your activity.*

### 20.2 Do you wish to discuss any aspect of this form with the Equalities Team?

#### *Response*

Yes

#### *Justification*

None

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#### Comments

Helen Honore

2022/05/16 14:59

We have completed the EQIA - not sure if we need to send this to Marie McKerry for approval (and how we would do that) or if you do this? Thanks

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#### Assessment Notes