



## Equality Impact Assessment: Stage 2

### Full Equality Impact Assessment Form

You should have completed the [equality impact screening form](#) to determine whether a full equality impact assessment is required or not.

For the purposes of equality impact assessment, "policy" is used as a generic term meaning a policy, a strategy, a process, a programme, a project, a proposal, a service function etc.

The following legislation is considered in our equality impact assessments, the Equality Act 2010, the Human Rights Act 1998, the Children and Young People (Scotland) Act 2014 and the United Nations Convention on the Rights of the Child (UNCRC).

Equality impact assessments will be published on the Care Inspectorate's website. If you have any queries regarding this equality impact assessment, please contact [equalities@careinspectorate.gov.scot](mailto:equalities@careinspectorate.gov.scot)

#### Section 1 – Essential Information

Title of policy: Stonewall Diversity Champion

Type of policy: New  Change to existing policy

Department/ Team responsible for the policy: Improvement Support

Lead person(s) for this assessment (name & job title): Jacqui Duncan, Organisational Development Adviser

List of participants involved in the full equality impact assessment: LGBT Charter Group, Heather Edwards

Date assessment started: 26.2.21

What is the policy (please choose from table below)?

Budget or Other significant Financial Decision	Corporate Policy/Plan	People management policy, HR practice or OD project	Service Delivery / Service Design	Other, please specify
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Who does the policy affect (please choose from table below)?

Employees	Volunteers	People who use care services	Care Service Providers	Children for whom there are corporate parenting responsibilities	Members of the public	Others, please specify
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

## Section 2 – Policy Information

What is the aim of your policy? To continue to be accredited as a Stonewall Diversity Champion to promote LGBT inclusion.

Why is the change required? (e.g. legislative, routine review-) Procurement is due, we are submitting to the Workplace Equality Index for the first time and would like to undertake an EqIA. We have followed the three-quote procurement process (Stonewall, Inclusive Companies and ENEI).

What outcomes do you want to achieve? To eliminate discrimination for the LGBT community, advance equality of opportunity (removing barriers, meet different needs and encourage participation and inclusion and a sense of belonging) foster good relations with other groups specifically women. We want to promote understanding of difference. To be a fully inclusive organisation recognising all protected beliefs.

What barriers are there to achieving these outcomes? Current external debate about sex-based rights and gender critical beliefs; the opinion that supporting LGBT inclusion and being a Stonewall Diversity Champion is at odds with supporting women's rights. We will consult with women and all respective groups to ensure we remove any barriers surrounding this policy and to ensure the language is inclusive for all and there are no unintended negative consequences for women.

Who is the policy, going to benefit and how? (and who, therefore, doesn't and why?) Members of the LGBT community (people with the protected characteristics of sexual orientation and gender reassignment). There is a potential that some people will feel that this does not support the protected characteristics of sex, pregnancy and maternity or religion and belief.

When is the change due to be implemented? 4 May 2021

What other Care Inspectorate policies or projects may be linked to or affected by changes to this policy? e.g. the Corporate Plan, the Equality Outcomes, Directorate Plan, or any other relevant strategies. Corporate Plan, Equality, Diversity and Inclusion Strategy.

## Section 3 – Potential Impact

Please note you will outline further details of these impacts in section 4

### Do you think that the policy impacts on people because of their age?

Age- applies to people of all ages, younger older, children

Age	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment
3. Promoting good relations among and between different age groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.

If negative to any of the above, please give details on how will the policy be modified to mitigate this?

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### Do you think that the policy impacts on people living with a disability?

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

Disability	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.

2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.
3. Promoting good relations among & between disabled and non-disabled people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.

**If negative to any of the above, please give details on how the policy will be modified to mitigate this?**

**Do you think that the policy impacts on men and women in different ways?**

Sex- applies to men & women

Sex	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment. Some men and women will also have these protected characteristics.
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment. Some men and women will also have these protected characteristics.
3. Promoting good relations among & between men and women	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment. Some men and women will also have these protected characteristics.

**If negative to any of the above, please give details on how will the policy be modified to mitigate this?**

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**Do you think that the policy impacts on women because of pregnancy and maternity?**

Pregnancy & maternity- protection against maternity discrimination covers 26 weeks after giving birth – this includes treating a woman unfavourably because she is breastfeeding.

Pregnancy & Maternity	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.
3. Promoting good relations between women who are pregnant or on maternity leave	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	We will ensure that women and mothers continue to be referenced in our policies, even though we may make our policies more LGBT inclusive.

<p><b>If negative to any of the above, please give details on how will the policy be modified to mitigate this?</b></p>

**Do you think the policy impacts on transsexual people?**

Gender reassignment- transsexual, when your gender identity is different from the gender assigned to you when you were born.

Gender Reassignment	Positive	Negative	None	Reasons for your decision
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1. Eliminating unlawful discrimination, harassment & victimisation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Stonewall Diversity Champion supports lesbian, gay, bisexual, trans inclusion in the workplace (therefore it supports gender reassignment)
2. Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Stonewall Diversity Champion supports lesbian, gay, bisexual, trans inclusion in the workplace (therefore it supports gender reassignment)
3. Promoting good relations between people of the trans community and non-trans people	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Stonewall Diversity Champion supports lesbian, gay, bisexual, trans inclusion in the workplace (therefore it supports gender reassignment)

**If negative to any of the above, please give details on how will the policy be modified to mitigate this?**

We will be looking to make policies and practices more inclusive and may reference this community where relevant. We will do this in a sensitive way to ensure this is balanced against other people's needs (e.g. women). We are looking at introducing a Trans Inclusion Policy and Transitioning at Work Guidance. Timescales to be confirmed in line with policy review schedule for 2021/22.

**Do you think the policy impacts people because of their sexual orientation?**

Sexual orientation- applies to straight, heterosexual, lesbian, gay, bisexual people

Sexual Orientation	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Stonewall Diversity Champion supports lesbian, gay, bisexual, trans inclusion in the workplace (therefore it supports sexual orientation)

2. Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Stonewall Diversity Champion supports lesbian, gay, bisexual, trans inclusion in the workplace (therefore it supports sexual orientation)
3. Promoting good relations between groups from all different sexual orientations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Stonewall Diversity Champion supports lesbian, gay, bisexual, trans inclusion in the workplace (therefore it supports sexual orientation)

**If negative to any of the above, please give details on how will the policy be modified to mitigate this?**

We will be looking to make policies and practices more inclusive and may reference this community where relevant. This includes initiatives like the Rainbow Lanyard scheme.

**Do you think the policy impacts people because of their race?**

Race- applies to national or ethnic origin, nationality, colour, Gypsy, Travellers

Race	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.
3. Promoting good relations from all different races.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.

**If negative to any of the above, please give details on how will the policy be modified to mitigate this?**

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**Do you think the policy impacts people because of their religion or belief?**

Religion or belief- applies to people of different faiths or beliefs including people with no religion or beliefs

Religion or Belief	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.
3. Promoting good relations from all different religions, people with no religions, people with different beliefs and people with no beliefs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.

<p><b>If negative to any of the above, please give details on how will the policy be modified to mitigate this?</b></p>
<p>Although we will be sensitive to people with differing beliefs and continue to be a fully inclusive organisation.</p>

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

Marriage or civil partnership- married/civil partnership/mixed-sex couple

Marriage or Civil Partnership	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.
3. Promoting good relations people who are married or in civil partnerships	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.

**If negative to any of the above, please give details on how will the policy be modified to mitigate this?**

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**Do you think the policy impacts people because they are care experienced?**

Care Experienced	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.
3. Promoting good relations people who are care	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.

experienced and those who are not.				
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**If negative to any of the above, please give details on how will the policy be modified to mitigate this?**

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**Do you think the policy impacts people who have caring responsibilities?**

Caring Responsibilities	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.
3. Promoting good relations people who have caring responsibilities and those who do not.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stonewall Diversity Champion relates to sexual orientation and gender reassignment.

**If negative to any of the above, please give details on how will the policy be modified to mitigate this?**

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## Child Rights & Wellbeing Impact Assessment

This section considers the impact of your policy on children and young people, or specific groups of children and young people, in Scotland. **If your policy does not impact on children (a child is defined from birth up to the age of 18 years) you do not need to complete this part of the form, you can move on to section 4.**

### 1. Which UNCRC Articles are relevant to the policy/measure?

[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.

### 2. What impact will the policy/measure will have on children's rights?

Positive  Negative  None

### 3. 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?

### 4. How will the policy/measure 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.

**5. How will the policy/measure 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

**6. Have you involved children and young people in the development of the policy/measure?**

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?

**Section 4 - 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.

In particular, look at what existing evidence tells you about the relevant equality characteristics views and experiences of the relevant service(s); and/or what it tells you about their views of the policy proposal. Identify any gaps in the evidence base and set out how you will address these.

Equality characteristics	Please include the quantitative evidence and qualitative evidence you must support your EqIA.	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy?
Age			

Disability			
Race			
Sex	Qualitative/Quantitative	Staff feedback (emails/ yammer) Crown Prosecution Case	Some staff may hold gender critical views and are concerned about our relationship as a Stonewall Diversity Champion and have said we might be at risk of regulatory capture. There has been a recent <a href="#">case</a> about this. Comments from the case: “The CPS maintains its membership as a Stonewall Diversity Champion in its capacity as an employer, not in relation to its capacity or functions as a prosecutorial authority. The status has nothing to do with the CPS’ role in relation to prosecutorial decisions.” And “Far from causing ‘bias’, our Diversity Champions programme helps organisations like the CPS tackle the prejudice and discrimination LGBT+ staff face in their workplaces.” However, we need to balance sensitivities carefully to ensure that women are not excluded from our work.
	Qualitative/quantitative	Staff feedback (email)/ EHRC position	Feedback received on the importance of not conflating gender with

			sex. See <a href="#">EHRC</a> definition.
	Quantitative	Care Inspectorate Equality Mainstreaming Report 2021	80% of our workforce are women it's important that their voice is heard and reflected in our policies.
Gender Reassignment	Qualitative	Staff feedback in relation to pronoun video (intranet/ via TU rep) that mention the importance in relation to 'non binary' and 'trans' people	Some women provided feedback that they were uncomfortable with this. Some are worried that they could be disciplined for being 'Transphobic'.
	Quantitative	Caselaw	'Gender reassignment' covers trans and non-binary people ( <a href="#">recent caselaw</a> )
	Quantitative	Scottish Government Equality Evidence Finder	Around 1% of the population are trans
Sexual orientation	Qualitative	Public information	There has been a split in the LGBT community. There is now the LGB Alliance who disagree with Stonewall.
	Quantitative	Scottish Government Equality Evidence Finder	Around 95% of the Scottish population identify as 'straight'. Around 3% of adults self-identified as lesbian, gay, bisexual or other.
Religion or Belief	Qualitative	Staff feedback in relation to pronoun video (intranet/ via TU rep) that mention the importance in relation to 'non-binary' and 'trans' people	A female employee believes that gender critical beliefs are protected in law (Maya Forstater case is due for appeal). EHRC have intervened in the case and suggest this may be true.

Pregnancy or maternity	Quantitative	Ministerial and other Maternity Allowances Bill 2019- 2021	Current debate about using term pregnant person, pregnant woman or mother. This Bill agreed on 'mother'. Women want to be recognised and are concerned about the erasure of women in a bid to become more inclusive to trans people.
Marriage or civil partnership			
Care Experienced (Children & Young People (Scotland) Act 2014)			
Children's rights (up to age 18)			
People with caring responsibilities			

Please identify any gaps in the data and say what steps are required to fill these gaps e.g. through engagement and/or further research. Gaps in relation to marriage or civil partnership (this relates to employment only and which makes it difficult to benchmark externally) and carers (although we appreciate anyone can be a carer and this is inclusive of both sexes, all gender identities and all sexual orientations. As being a Stonewall Diversity Champion relates to being an employer (not our work as a scrutiny and improvement support body) it will not impact on our work with care experienced young people or on children's rights.

Is further research necessary? No

If not please state why We are satisfied with research undertaken

Have you used best judgement (officer/practitioner knowledge and experience) in place of data/research/evidence? Yes  No

## Section 5 - Stakeholder engagement & consultation

Speaking to people who will be affected by your policy can help clarify the impact it will have on different equality groups. This would include public or targeted consultations and can include children and young people and their parents/carers.

Have you engaged and consulted with relevant groups? Yes  No

If yes, please state who was engaged/ consulted with. Corporate Equality Group

If no, engagement/ consultation took place, please state why

How was the engagement/ consultation carried out?

Focus group Yes  No

Survey Yes  No

Public event Yes  No

Other please specific Discussed and shared for comment at Corporate Equality Group meeting, also built into our Equality, Diversity and Inclusion Strategy 2021-2025 which was consulted on with our Operational Leadership Team, Strategic Leadership Team and the Board.

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

Yes  No

What did you learn from the engagement/ consultation? That we should create spaces to discuss this with our employees.

Have the results been shared with the people you engaged/consulted with? Yes  No

Is further engagement/consultation recommended? Yes  No

## Section 6- Assessment outcome

Please select one of the following four statements that best matches your assessment.

1. No major change required. Your assessment demonstrates that the policy 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. Yes  No

2. The policy 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 policy when implemented. Yes  No
3. Continue with the policy but it is not possible to remove all the risk to protected characteristic groups. The policy 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. Yes  No
- If you select this option you must submit an action plan to make arrangements to monitor any potential adverse impacts.***
4. Stop the policy as this is potentially in breach of equality legislation. The policy will not be implemented due to adverse effects that are not justified and cannot be mitigated. Yes  No

## Section 7- Action Planning

How will you monitor the implementation of the policy? Feedback from staff, trade union representatives, managers, LGBT champion charter group, corporate equality group and from learning events and training. We will also use feedback from Yammer and the intranet. External scanning (monitoring case law etc.) will also take place to assess pros and cons of the scheme.

How will you use the results of the monitoring to develop the policy? We will consider our communication, approach, language and make any necessary changes to ensure we are inclusive for all. We will speak to colleagues to ensure they are clear that if they are making changes to policies for trans and non-binary people that they include women in making any changes to policies and procedures. All policies go through their own policy consultation and own equality impact assessment process.

When and how will you review the policy? (Please also give details of who is responsible) Annually (next review is May 2022) Jacqui Duncan, Equalities Professional Adviser, in consultation with the Operational Leadership Team.

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 once implemented.

Monitoring employee grievances/ dignity at work issues and employee relations matters.

## Section 8 – Sign off and Approval

Approved by (senior manager or Executive Director): Craig Morris

Date Approved: May 2021

Review date: May 2022

Person responsible for reviewing: Jacqui Duncan

**Please now email a copy of this completed EqIA to [equalities@careinspectorate.gov.scot](mailto:equalities@careinspectorate.gov.scot) who will arrange for it to be published on the Care Inspectorate website.**