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

Section 1 – Essential Information

Title of policy: Safe staffing project

Type of policy: New   ☒   Change to existing policy ☐

Department/ Team responsible for the policy: Safe staffing project team, IST, Strategy and Improvement.

Lead person(s) for this assessment (name & job title): Angella Fulton, Project lead

List of participants involved in the full equality impact assessment: Project team.

Date assessment started: 1 February 2021.

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
☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☒ Yes ☐ No	Legal duty Improvement

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
☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes ☒ No	☒ Yes * ☐ No	Commissioners of care services

*Relatives of people who use care services would be directly affected by the work of the project and members of the public would have an interest in the work from the perspective of general interest around care homes.

Section 2 – Policy Information

What is the aim of your policy?
To work with a range of stakeholders to improve the assessment of staffing in care homes for older people in Scotland and to support the implementation of staffing legislation.

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.

What outcomes do you want to achieve?
To ensure that in care homes for older people 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 care home for older people sector to meet the legislative requirements.

What barriers are there to achieving these outcomes?
Diversity of the sector, time, scope, and resources.

Who is the policy, going to benefit and how? (and who, therefore, doesn't and why?)
The benefits to people living in care homes will be improvements in the quality of staffing – skill mix and levels to enable delivery of high-quality compassionate care that results in positive outcomes for people.

The benefits to staff working in care homes will be improvements in their wellbeing, job satisfaction, work conditions, training and understanding.

The benefits to care providers of care homes for older people in Scotland will be improvements in understanding of the staffing legislation to support effective implementation, better understanding of staffing assessment and how to meet their responsibilities under the Act.

The benefits to inspectors will be improved shared understanding of the expectations and requirements of care homes for older people in terms of meeting their duties under the Act, improved training and understanding of staffing assessment and planning.

When is the change due to be implemented??
The project is part of the Healthcare staffing programme and was commenced in December 2019. The programme was suspended from March to November 2020 in response to the pandemic situation. As yet, there is no date set for enactment of the Health and Care (Staffing)(Scotland) Act.

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

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	☒	☐	☐	Human rights approach using panel principles and principles of Health and care standards. Promoting rights of older people in care homes and workforce and ensuring practice is non-discriminatory in terms of age. The project will work in line with the above values and principles in collaboration with the care home for older people workforce.
2. Advancing equality of opportunity	☒	☐	☐	As above. The project will ensure that staff working unsocial hours in care homes for older people are considered. EG activities to take place, evenings and weekends. Communications that are accessible to staff working night shift.

3. Promoting good relations among and between different age groups	☒	☐	☐	As above – the work will be collaborative and those living and working in care homes for older people will be represented, involved and consulted. The project will promote good relations by tackling any prejudice and promote understanding of the difference between young and older people and improving integration.

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

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	☒	☐	☐	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 some care homes that the project will work with, there may be younger people living with autism, learning disabilities and/or other long-term conditions. Human rights approach using panel principles and principles of Health and care standards. Promoting rights of older people in care homes and workforce. This will include people living with a disability.
2. Advancing equality of opportunity				As above. We will use a range of communication methods e.g. subtitles on presentations to

	Positive	Negative	None	
	☒	☐	☐	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. (Working jointly with involving people team).
3. Promoting good relations among & between disabled and non-disabled people	☒	☐	☐	The project 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.

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

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	☒	☐	☐	The majority of the workforce in care homes for older people in Scotland are female. This project will be conducted in a way that promotes equality and inclusivity.
2. Advancing equality of opportunity	☒	☐	☐	As above and considering the opportunities for people who work part-time.

3. Promoting good relations among & between men and women	☐	☐	☒	The project will work with men and women and ensure good representation of each.

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

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	☐	☐	☒	The project will not have an impact on women because of pregnancy and maternity however the well-being of all staff working in care homes for older people will be considered.
2. Advancing equality of opportunity	☐	☐	☒	As above
3. Promoting good relations between women who are pregnant or on maternity leave	☐	☐	☒	The project will ensure information is available on the Care Inspectorate hub. This will help ensure access for staff who are on maternity leave.

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

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
1. Eliminating unlawful discrimination, harassment & victimisation	☐	☐	☒	We will be looking to ensure the project is more 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.
2. Advancing equality of opportunity	☐	☐	☒	
3. Promoting good relations between people of the trans community and non-trans people	☐	☐	☒	

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

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	☐	☐	☒	The project will use a Human rights approach using panel principles and principles of Health and care standards. Promoting rights of older people in care homes and those making up the workforce regardless of their sexual orientation.

	Positive	Negative	None	
2. Advancing equality of opportunity	☐	☐	☒	
3. Promoting good relations between groups from all different sexual orientations	☐	☐	☒	

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

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	☐	☐	☒	We 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.
2. Advancing equality of opportunity	☐	☐	☒	
3. Promoting good relations from all different races.	☐	☐	☒	

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

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	☐	☐	☒	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.
2. Advancing equality of opportunity	☐	☐	☒	
3. Promoting good relations from all different religions, people with no religions, people with different beliefs and people with no beliefs.	☐	☐	☒	

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

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	☐	☐	☒	The project will use a Human rights approach using panel principles and principles of Health and care standards. Promoting rights of older people

	Positive	Negative	None	Reasons for your decision
				in care homes and those making up the workforce regardless of their marriage or civil partnership status.
2. Advancing equality of opportunity	☐	☐	☒	
3. Promoting good relations people who are married or in civil partnerships	☐	☐	☒	

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

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	☐	☐	☐	
2. Advancing equality of opportunity	☐	☐	☐	
3. Promoting good relations people who are care experienced and those who are not.	☐	☐	☐	

If negative to any of the above, please give details on how will the policy be modified to mitigate this?
Not applicable.

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	☒	☐	☐	The project will include and involve relatives of people who live in care homes. Support will be provided through sensitive facilitation and help from the project team and the Involving people team.
2. Advancing equality of opportunity	☒	☐	☐	Relatives of people who live in care homes will be invited to participate in the work of the project through its lifetime. This will include participation in focus groups, project reference group, focused improvement work and inspections. The project will also make provision for engagement out with office hours for care home staff who have caring responsibilities away from their workplace.
3. Promoting good relations people who have caring responsibilities and those who do not.	☒	☐	☐	As above

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

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	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	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%).
Disability	Is Scotland Fairer 2018 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	Disabled people were more likely to be unemployed.
Race	Ethnicity and Poverty in	https://data.sssc.uk.com/data-publications/248-adults-services-workforce-in-scotland-tables-2019	In 2019, the employment rate for minority ethnic people aged 16-64

	Scotland 2020 SSSC workforce data 2019	https://data.sssc.uk.com/images/WDR/WDR2019.pdf	was 59.3%, compared to a 32 employment rate of 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.
Sex	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	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%.
Gender Reassignment	Equality Evidence Finder	http://www.equalityevidence.scot/	Around 1% of the population is transgender.
Sexual orientation	Is Scotland Fairer 2018	https://www.equalityhumanrights.com/sites/default/files/is-britain-fairer-2018-is-scotland-fairer_0.pdf	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

| | Stonewall Unhealthy Attitudes 2015 | https://www.stonewall.org.uk/system/files/unhealthy_attitudes.pdf | 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. |
Religion or Belief	Equality Evidence Finder	http://www.equalityevidence.scot/	Just over a half of adults (50%) in 2018 report not belonging to a religion.
Pregnancy or maternity	External lack of data	External lack of data	External lack of data
Marriage or civil partnership	External lack of data	External lack of data	Employers have a duty to collect employee information under Equality Act.
Care Experienced (Children & Young People (Scotland) Act 2014)	N/A	N/A	N/A
Children's rights (up to age 18)	N/A	N/A	N/A
People with caring responsibilities		https://data.sssc.uk.com/data-publications/248-adults-services-workforce-in-scotland-tables-2019

https://data.sssc.uk.com/images/WDR/WDR2019.pdf | Almost half (21, 180 people) of the workforce in care homes for older people in Scotland are employed on a part-time basis. |

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.   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.

Is further research necessary?   yes

If not please state why
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.
We have information from representatives of people working, providing and commissioning care

homes for older people in Scotland through involvement of SSSC, Scottish Care, COSLA, RCN,

CCPS and Unison.

We also are planning to re-establish a user representation group to involve people who live in care homes for older people and their representatives.

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

How was the engagement/ consultation carried out?

Focus group   Yes ☐   No   ☒

Survey   Yes ☐   No   ☒

Public event   Yes ☐   No   ☒

Other please specific   Special interest group

Has the proposal been reviewed/changed because of the engagement/ consultation?
Yes ☒   No   ☐

What did you learn from the engagement/ consultation?

Other groups/ organisations that should be involved. Project plan and principles and values underpinning how the project is carried out are person centred and aligned to Health and care national standards, codes of conduct and Care inspectorate values.

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?

Regular quality assurance activities and reporting to various stakeholders and governance boards.

How will you use the results of the monitoring to develop the policy?

The project team will review, update and when necessary amend the project plans and activities based on the results of monitoring.

When and how will you review the policy? (Please also give details of who is responsible)

The project lead will take responsibility for reviewing the policy with the project team and based on feedback from stakeholders. Governance meetings are scheduled in on a regular basis and QA activities will be undertaken at least monthly.

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.

As above. Team members to complete equality training.

Section 8 – Sign off and Approval

Approved by (senior manager or Executive Director Jane E Douglas

Date Approved: 31 May 2021

Review date: 31 May 2022

Person responsible for reviewing: Angella Fulton, Safe staffing project lead.

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