POLICY NOTE

THE EQUALITY ACT 2010 (SPECIFIC DUTIES) (SCOTLAND) AMENDMENT REGULATIONS 2018

SSI 2018/xxx

The above instrument was made in exercise of the powers conferred by section 153(3) of the Equality Act 2010. The instrument is subject to affirmative procedure.

Policy Objectives

The UK Government closed the UK Independent Living Fund (ILF) on 30 June 2015. Scottish Ministers announced their commitment to a new Scottish ILF to safeguard the rights of society's most severely disabled people to live independent lives and to ensure the fund's long term future.

On 1 July 2015, Independent Living Fund Scotland (ILF Scotland) was established by Ministers, as a Company limited by guarantee, to administer Independent Living Fund (ILF) financial support packages for disabled people in Scotland. All existing Scottish users of ILF transferred to ILF Scotland from this date. The approach taken to the establishment of ILF Scotland was to meet the tight time frame for delivery and to ensure that payments were protected. At the time of establishment there was insufficient time to list ILF Scotland in various pieces of legislation as a public body.

The purpose of this instrument is to list ILF Scotland to in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 ("the 2012 Regulations"), making them subject to various duties. Specific duties include: assessing the impact of new or revised policies/practice on the needs set out in the public sector equality duty; the publication of equality outcomes; reporting on mainstreaming equality; publishing information on the gender pay gap and equal pay; gathering employee information in relation to protected characteristics and using this information to better perform the equality duty; and taking account of the equality duty in the context of procurement.

Consultation

To comply with the requirements of section 153(4) of the Equality Act 2010 the Scottish Ministers have consulted the Commission for Equality and Human Rights. The Commission for Equality and Human Rights supports the proposed listing of ILF Scotland in the 2012 Regulations.

Officials have also consulted with ILF Scotland and with the appropriate Scottish Government policy officials. Both support the policy.

Impact Assessments

No Privacy Impact Assessment (PIA) was required for this instrument because there is no change in how personal data is managed as a result of it.

An Equality Impact Assessment (EQIA) has not been completed as the policy approach to impose duties as a public body is consistent with the current ILF UK policies, which have already previously been impact assessed, with no identified negative impact.

In assessing the Children Rights and Wellbeing Impact Assessment (CRWIA) requirements, officials have concluded that the legislative proposals are largely procedural and administrative, they are part of a decision making process that will affect ILF Scotland only and as such that they have been deemed to have no effect, either direct or indirect on Child Rights and Wellbeing.

Due to the technical aspect of this instrument there is no requirement for a Strategic Environmental Assessment.

Financial Effects

A Business Regulatory Impact Assessment (BRIA) has not been completed in relation to this instrument. The Minister for Health and Sport confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Health and Social Care Integration

May 2018