



# Equality and Fairness Impact Assessment (EFIA) Form and Guidance

If the '*policy or practice*'\* you are developing or going to develop is assessed as relevant after undertaking the online screening process (the Integrated Appraisal Toolkit) - that is, it will have an impact on people - you should complete an Equality and Fairness Impact Assessment (EFIA).

This form (which includes accompanying guidance) should be completed.

\*see definition below on Page 5

## EFIA – Guidance

The purpose of the EFIA is to ensure that decision makers are fully informed, at a formative stage in the decision-making process.

Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Under Part 1 of the Act 'The Fairer Scotland Duty', the Council is required to actively consider how it can reduce inequalities of outcome caused by socioeconomic disadvantage, when making strategic decisions.

The online Integrated Appraisal Toolkit (IAT) has been developed within the Council to assess all proposals against criteria for reducing poverty and socio-economic disadvantage, eliminating discrimination, advancing equality of opportunity, and fostering good relations between equality groups.

The IAT should first be used at the initial stages of proposal development to **screen** the proposal for any likely positive or negative effects in relation to equality, fairness and human rights. After completing the IAT, it should be evident if your proposal is likely (or not) to have significant implications for: reducing poverty and socio-economic advantage, eliminating discrimination, advancing equality of opportunity, and fostering good relations between equality groups. **If the screening process identifies that there are implications then this full Equality and Fairness Impact Assessment (EFIA) should be undertaken.**

## When should I carry out an EFIA?

In order to fulfil our general duty it is critical that the all services conduct an EFIA in the following circumstances:

- > **All** significant policies, strategies and projects\* should have as a minimum an EFIA screening inbuilt as part of the risk assessment process.
- > **All** budget options for the each financial year will require to be EFIA screened. (It is possible to group individual options if they relate to one particular service area)
- > **All** Reports to Committee now require Equalities Impacts to be reported either as a screening or full EFIA. Significant service reforms **may** require a Full Report to be completed, or as a minimum, a justification in a Screening Report as to why the Full Report was unnecessary.

### Equality and Fairness Impact Assessment Screening

A screening can be undertaken as part of a scoping exercise prior to a full report, or it can stand alone as final summary if no significant Equality and Fairness Impacts are identified or arise subsequently in the policy or plan implementation. This is done using the online Integrated Appraisal Toolkit.

### Equality and Fairness Impact Assessment Full Report

A full report (using this form) should be conducted where a Screening indicates an area or areas that require more detailed consideration.

\*see full definition Page 5

## **Stage 1: Screening**

As noted above, a screening should ideally be carried out at the outset of a policy, service reform, or budget proposal\* in order to embed consideration of equalities and fairness at the earliest part of the project plan or process.

In order to complete screening please follow the guidance provided within the online [Integrated Appraisal Toolkit](#)

A Screening Report should be conducted prior to identifying if a Full Impact Assessment is required, and the findings of the report should inform the introduction to the assessment; and provide the context and background, to outline the purpose and direction of the Full Impact Assessment.

## **Stage 2: Full Impact Assessment**

If there are any areas that arise as part of the screening process that require further investigation or highlight areas of concern with regard to likely impacts across any or all protected characteristics, then a Full Impact Assessment report be conducted.

\*see full definition Page 5

# EFIA Form

Complete this for all *relevant policies*

*'Relevant'* means it will have an impact on people

*'Policy or Practice'* - see definition below

Definition of policy or practice for the purposes of EFIA:

*For the purposes of an EFIA the term 'policy or practice' covers Service delivery and Employment. This can include a Policy, a Plan, a Strategy, a Project, a Service Review, a function, practice or service activity or a Budget option.*

## Section 1: Policy Details (see definition of 'Policy' or 'Practice' above)

Name of Policy or Practice:

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – Policy on the Licensing of Sexual Entertainment Venues in Perth and Kinross

Service and Division/Team:

Corporate and Democratic Services/Legal & Governance Services/Licensing

Owner/Person Responsible (include your Name and Position):

Debra Gilkison – Licensing Manager

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

Debra Gilkison – Licensing Manager

Is the 'policy' or 'practice' being impact assessed new or existing? Please tick the appropriate box below to indicate.

☒ New

☐ Existing

What are the main aims of the policy or practice?

The Policy endeavours to safeguard men and women in their working environment and promote good management practices through SEV Licence Conditions.

It endeavours to safeguard the young and old and those with vulnerabilities through a Sensitive Premises Presumption whereby there will be a presumption against SEV near those premises.

Admission to SEV is available to those aged over 18.

Who are the main target groups/beneficiaries?

Targeted consultees included performers collectives, trade unions, and Police Scotland (including their Human Trafficking Champion), other interested parties and members of the public. Consultation was shared at each stage of the process with members of the Equalities Strategic Forum and comments were invited.

Responses were received from Minister Knox Church Perth (Free Church of Scotland), 2 responses from the public and one from Perth and Kinross Violence Against Women Partnership.

What are the intended outcomes of the policy or practice?

Prepare a policy statement for the licensing of Sexual Entertainment Venues (SEV) in Perth and Kinross. It is considered that the licensing of sexual entertainment venues (and the conditions imposed on the granting of licences) would reduce the risk of sexual exploitation and trafficking of all persons and particularly women. This is based on Scottish Government policy and research. The public have been consulted on in relation to the content and in particular, women's groups have been consulted on to assess the impact on them.

## Section 2: Information Gathering

You should list here the sources of information used to assess the impact of the relevant policy or practice. This can include local sources such as reports, information and data, relevant partners' information, data and reports, other Council's relevant information, data and reports, national information, research outcomes, data profiles and any other evidence which has led to the development of this policy. You may wish to refer to Appendix 1 for reference when gathering information relating to Equality Monitoring Data,

Information/Evidence Gained and Used to Shape this Policy or Practice	List Details, Source and Date  <i>(continue on a separate sheet if necessary – tick to indicate this has been done)</i> <input type="checkbox"/>
Community consultation/involvement outcomes from earlier contacts - this usually includes formally arranged contact with individuals or community, voluntary sector and other relevant interest groups	All Community Councils emailed directly to invite them to comment on the policy, members of the public alerted by PKC Facebook providing the link to the Consultation Hub and to invite them to comment on the policy, Targeted consultees included performers collectives, trade unions, and Police Scotland (including their Human Trafficking Champion).
Employee involvement/consultation feedback (e.g. survey, focus groups)	Consultation Hub open to all employees and members of the public to provide views on the Policy.
Research and information list main sources	Census, other Council area policies whom have SEV's within their areas.
Officer knowledge and experience	

Equality monitoring data	
Service user feedback (including customer contact, services and complaints)	
Partner feedback	
Other - this may be information gathered in another Council area, nationally or in partner organisations which is considered to have relevance	

## Section 3: Consultation/Involvement

Consultation with key stakeholders can be undertaken throughout the whole of the equality and fairness impact assessment process. This section can include details of outcomes from current, earlier or ongoing consultation/involvement activities. This activity **can also** help to **reach people not previously involved** with these processes, but who will be affected by this policy or practice when it is implemented.

The Consultation/Involvement process can also help **identify or agree changes** that need to be made to ensure the policy or practice will be inclusive when implemented.

The Equalities Team Leader ([equalities@pkc.gov.uk](mailto:equalities@pkc.gov.uk)) may be able to provide advice relating to potential contact with consultees from equality protected characteristic groups via existing mechanisms such as the Community Equalities Advisory Group (CEAG) or Equalities Strategic Forum.

*A summary of the replies received from individuals and stakeholders consulted/involved. Include any previous feedback or complaints relating to equality and diversity issues and the policy or practice currently being assessed.*

Equality Protected Characteristic	Specific Characteristics	Date	Outcome of Consultation/Involvement <i>(continue on a separate sheet if necessary – tick to indicate this has been done</i> <input type="checkbox"/>
Age	Older People (65+)		See earlier sections which narrate consultation undertaken
	Younger People (16-64)		
	Children (0-16)		
	Looked After Children (Corporate Parenting)		
Disability	Physical Disability		
	Sensory Impairment		
	Mental Health		
	Learning Disability		
Gender Reassignment	Male transitioning to female		



	Female transitioning to male		
Marriage/Civil Partnership	Women		
	Men		
	Same Sex Couple (Male)		
	Same Sex Couple (Female)		
Pregnancy / Maternity/Paternity	Women		
	Men (Paternity)		
Race	A list of categories used in the census is <a href="#">here</a>		
Religion / Belief	A list of categories used in the census is <a href="#">here</a>		
Sex	Female	X	
	Male		
	Other Gender Identity		
Sexual Orientation	Lesbian		
	Gay	X	Some LGBT organisations have indicated potential positive benefits for the LGBT community through SEVs being available. There is a balance and that balance falls in favour of fixing the number of SEVs at zero, however, this does not preclude applications being made on an individual basis.
	Bisexual		
<b>Socio-economic(fairness)</b>	Options detailed in Appendix 2		



## Section 4: Detail the Positive and/or Negative Impacts or Tick to Indicate No Impact

### Key Questions to Address

The Assessment should highlight areas of interest covering the following:

- > Positive and Negative impacts across all protected characteristics.
- > Scale of the Impact: An indication of the degree of potential impact, and whether this is judged to have a High, Medium or Low impact potential.
- > Anticipated duration of the impact if relevant
- > Whether there is a specific differential impact to a particular protected characteristic or characteristics
- > Or if the impact is more wide ranging and general in its effect.
- > Whether any impacts identified would/could be mitigated by an amendment to the policy, practice budget decision or service reform proposal

This information will be indicated by activities at Section 2 and Section 3 above.

Equality Protected Characteristic	Specific Characteristics	Positive Impact (it could benefit the group concerned)	Negative Impact (it could disadvantage the group concerned)	) No Impact
Age	Older People (65+)	Sensitive Premises Presumption will minimise risk that SEV premises are located in areas where vulnerable adults likely to be gathering/present.		
	Younger People (16-64)	Sensitive Premises Presumption will minimise risk that SEV premises are located in areas where vulnerable adults likely to be gathering/present.		
	Children (0-16)	Sensitive Premises Presumption will ensure that SEV premises are not located in areas which children and likely to be gathering/present.		
	Looked After Children (Corporate Parenting)			

Disability	Physical Disability	Sensitive Premises Presumption will minimise risk that SEV premises are located in areas where vulnerable adults likely to be gathering/present.		
	Sensory Impairment	Sensitive Premises Presumption will minimise risk that SEV premises are located in areas where vulnerable adults likely to be gathering/present.		
	Mental Health	Sensitive Premises Presumption will minimise risk that SEV premises are located in areas where adults receiving mental health support will be present.		
	Learning Disability	Sensitive Premises Presumption will minimise risk that SEV premises are located in areas where vulnerable adults likely to be gathering/present.		
Gender Reassignment	Male transitioning to female			
	Female transitioning to male			
Marriage/Civil Partnership	Women			x
	Men			x
	Same Sex Couple (Male)			x

	Same Sex Couple (Female)			x
Pregnancy / Maternity/Paternity	Women			x
	Men (Paternity)			x
Race	A list of categories used in the census is <a href="#">here</a>			x
Religion / Belief	A list of categories used in the census is <a href="#">here</a>	Sensitive Premises Presumption will minimise risk that SEV premises are located in proximity to places of worship		
Sex	Female	It is recognised that workers in SEVs are predominately women. "Equally Safe" guidance clearly states that prostitution, stripping, lap dancing are viewed as forms of violence against women. The general presumption of zero SEV premises will protect women from abuse, exploitation and violence which is considered to be feature of SEVs	There are currently no SEV premises in Perth and Kinross, so existing workers are not potentially affected by any restriction on operation of SEV. The positive impact of regulation outweighs any potential negative impact in relation to freedom to work in this industry in Perth and Kinross.	
	Male	Male workers in SEVs would be equally exposed to abuse, exploitation and violence. The general presumption of zero SEV premises will protect women from abuse, exploitation and violence which is considered to be feature of SEVs	" " "	

	Other Gender Identity	As above – the risk exists for any person working in the sexual entertainment industry	“ “ “	
Sexual Orientation	Lesbian			x
	Gay			x
	Bisexual			x
<b>Socio-economic(fairness)</b>	Options detailed in Appendix 2		Although the general presumption will in theory limit the ability to gain employment in this sector, this is not a sector which currently operates in Perth and Kinross.	

## Section 5: Recommendations and Actions

As a result of this equality impact assessment, please **clearly describe practical actions** you plan to take to:

- ☐ *reduce or remove any identified **negative impact***
- ☐ *promote any **positive impact** or*
- ☐ ***gather** further information/evidence*

Equality Protected Characteristic	Specific Characteristics	Action	Who is responsible	Date for completion
Age	Older People (65+) ALL OF THE UNDERNOTED	<p>The Policy provides for Standard Conditions to be attached to SEV licences which promote healthy workplaces to safeguard performers. The Policy will be effective as of 21 November 2021 (the start date of Perth and Kinross Council's SEV Licensing regime). Each application will be determined on its own merits.</p> <p>The Policy provides a Sensitive Premises Presumption against SEV being located near to sensitive premises, including schools and nurseries and women's refuges and other services for those with needs or vulnerabilities.</p> <p>The Policy will be kept under review.</p>	Licensing Manager	Ongoing
	Younger People (16-64)	As above		
	Children (0-16)	As above		
	Looked After Children (Corporate Parenting)	As above		
	Physical Disability	As above		
Disability	Sensory Impairment	As Above		

	Mental Health	As above		
	Learning Disability	As above		
Gender Reassignment	Male transitioning to female			
	Female transitioning to male			
Marriage/Civil Partnership	Women			
	Men			
	Same Sex Couple (Male)			
	Same Sex Couple (Female)			
Pregnancy / Maternity/Paternity	Women			
	Men (Paternity)			
Race	A list of categories used in the census is <a href="#">here</a>			
Religion / Belief	A list of categories used in the census is <a href="#">here</a>	As above		
Sex	Female	As above		
	Male	As above		
	Other Gender Identity	As above		
Sexual Orientation	Lesbian			



	Gay			
	Bisexual			
<b>Socio-economic(fairness)</b>	As detailed in Appendix 2			

## Section 6: Outcomes

When the evidence has been considered in relation to the proposed Policy, Practice, Project, Service Reform or Budget Option, it will be apparent what the likely impacts are. The type, scale, duration, and specificity of the likely impacts will inform the direction of the outcome of the EFIA.

There are four potential outcomes as follows:

1. No major change required The Policy, Practice, Project, Service Reform or Budget Option is robust and can continue without amendment
2. Continue the Policy, Practice, Project, Service Reform or Budget Option. A justification is required for continuing despite the potential for adverse impact
3. Adjust or Amend the Policy, Practice, Project, Service Reform or Budget Option. Remove barriers, make changes to better advance equality or remove or mitigate negative impact
4. Stop, or Remove the Policy, Practice Project, Service Reform or Budget Option if adverse effects cannot be justified and cannot be mitigated.

No major change required.

## Section 7: Authorising the Assessment

The following signatures are required:

### Service Manager

Signed \_\_\_\_\_ Name Sarah Rodger Date 6/8/2021 (final version)

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

Signed \_\_\_\_\_ Name David McPhee Date 19/08/21

## Section 8: Publishing the Assessment

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

Date Action Completed \_\_\_\_\_ Date for Review of EFIA \_\_\_\_\_

## Section 9: Committee Reporting

Ensure your Committee **report** to accompany this policy **includes information** about any **actions** taken to reduce or remove **negative impacts** identified, or include any **positive impacts** expected when the policy is implemented.

## Section 10: Review and Monitor

Note of Action required (from Section 5)

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Date completed

Note of Action required (from Section 5)

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Date completed

Note of Action required (from Section 5)

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Date completed

Note of Action required (from Section 5)

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Date completed

Add more sections as required

*Equality and Fairness Impact Assessment Process – August 2018*

## Appendix 1 – Equality Monitoring Data Guidance

### The Equality Protected Characteristics in Our Area

There are nine protected characteristics in the Equality Act and these are disability, sex, race, sexual orientation, gender reassignment, age, marriage and civil partnership, pregnancy and maternity and religion and belief.

The [Scottish Government Equality Evidence Finder](#) is updated twice a year with data surrounding equality evidence from a wide range of policy areas. Some key local statistics should be noted:

Disability - 28% of the Perth & Kinross population consider themselves to have a long term physical or mental health condition, compared to 22% for Scotland overall. (*Scottish Household Survey 2016*)

Sex - 49% of the Perth & Kinross population identify as male, the same as Scotland overall. (*Scottish Household Survey 2016*)

Race - 98% of the Perth & Kinross adult population classify themselves as 'White', compared to 96% for Scotland as a whole (*Scottish Household Survey 2016*)

Sexual orientation - 99% of the Perth & Kinross adult population identify as Heterosexual, compared to 98% for Scotland overall. (*Scottish Household Survey 2016*)

Gender reassignment - The Registrar General for Scotland maintains a Gender Recognition Register in which the birth of a transgender person whose acquired gender has been legally recognised is registered showing any new name(s) and the acquired gender. This enables the transgender person to apply to the Registrar General for Scotland for a new birth certificate showing the new name(s) and the acquired gender. The Gender Recognition Register is not open to public scrutiny. Local information is not available. (*NRS Registration Division 2016*)

Age - Young people under 16 currently make up 16% of the population in Perth & Kinross, compared to the national average of 17%. People aged 65 and over account for 23% of the total population, higher than the national average of 19%. By 2039 this proportion is set to increase to 30%. (*ONS Population data*)

Marriage and civil partnership - 58% of the Perth & Kinross adult population are married or in a civil partnership, compared to 47% for Scotland as a whole. (*Scottish Household Survey 2016*)

Pregnancy and maternity - In 2016, the birth rate was 53.5 per 1000 women aged 15-44. In other words, broadly 5.4% of women of child bearing age were pregnant in 2016 in Perth and Kinross, compared to 5.2% for Scotland as a whole. (*NRS Vital events 2016*)

Religion and belief - 52% of the Perth & Kinross adult population consider themselves to have a religious belief, compared to 49% for Scotland as a whole. (*Scottish Household Survey 2016*)

*National data sources have been used to provide this information but it should be noted that the Scottish Household Survey is only based on a sample of respondents so variations may not be*

*statistically significant.*

## Appendix 2– Socio-economic (Fairness)

Socio-Economic Disadvantage:

- Low Income – (in comparison to most others) – can be measured in a range of ways e.g. relative poverty (after housing costs) looks at number of individuals living in households with incomes below 60% of UK median income. Statistics on absolute poverty (household living standards over time) and persistent poverty (where households live in poverty for 3 years out of 4) are also available. Poverty statistics can also be broken down by gender, disability, ethnicity, tenure and urban/rural.
- Low/No Wealth – having access to wealth e.g. financial products, equity from housing and a pension, provides some protection from socio-economic disadvantage. Single adult households (including single parent households) have very high risks of low wealth; households with lower educational qualifications and in routine or manual occupations have significantly higher risks of low wealth.
- Material deprivation – refers to households being unable to access basic goods and services and tends to focus on families with children.
- Area deprivation - living in a deprived area can exacerbate negative outcomes for individuals and households already affected by issues of low income.
- Socio-economic background – the structural disadvantage that can arise from parents' education, employment and income (i.e. social class) is more difficult to measure.

Inequalities of Outcome – any measurable differences for communities of interest or communities of place such as:

- Poorer skills and attainment
- Lower quality, less secure and lower paid work
- Greater chance of being a victim of crime
- Lower healthy life expectancy
- Less chance of a dignified and respectful life

Communities of Place – refers to people who are bound together because of where they reside, work, visit or otherwise spend a continuous proportion of their time. Poverty is often hidden in smaller rural communities with issues such as cost of living and accessibility of transport, education and employment impacting more negatively.

Communities of Interest – refers to people who share an identity e.g. an equality protected characteristic. Consideration of the impact on those groups can help develop a deeper understanding of socio-economic impact, particularly by talking to people with lived experiences.

For further information refer to [Fairer Scotland Duty -Interim Guidance for Public Bodies](#)

## Appendix 3– Human Rights Based Approach

A Human Rights approach should also be an embedded consideration in an EFIA.

In summary; we need to consider, where applicable, to what (if any) extent policies, practices, projects, Service Reforms, or Budget Options impact on three key strands of Human Rights:

### Absolute rights:

- > the right to life,
- > the right to freedom from inhuman and degrading treatment

### Limited rights:

- > the right to liberty,
- > the right to a fair trial

### Qualified rights

- > the right to respect for private and family life, home and correspondence
- > the right to freedom of thought, conscience and religion
- > the right to freedom of assembly and association
- > the right to protection of property

Any restriction of Qualified Rights must be:

- > In accordance with the law: have a basis in domestic law, safeguards against arbitrary interference, foreseeable
- > In pursuit of a legitimate aim: including "the economic wellbeing of the country"; "the protection of health", "protection of the rights and freedoms of others"
- > Necessary
- > Proportionate
- > Not discriminatory

There is further guidance on integrating human rights into the equality impact assessment process available on the Scottish Human Rights Commission website following previous pilots with local authorities: <http://eqhria.scottishhumanrights.com/>