

# Equality Impact Assessment: initial screening

Please complete the form using the blank rows, as well as the greyed out boxes containing guidance that you should overwrite.

## What is being assessed by whom?

<b>Name of the policy<sup>1</sup> Scotland's Natural Capital Pilot Programme</b>
Policy here is used as shorthand for policies, provisions, functions, practices activities and services. Please state concisely the name of the policy being assessed.
<b>Name of person leading the assessment<sup>2</sup> Kirsten Makins</b>
Please insert the name of the person leading the assessment
<b>Names of other team members Claudia Rowse, Ross Lilley, Kay Prichard, Kirsten Brewster</b>
Please list any others contributing to the assessment
Is this a new or existing policy?  New programme of work

## Initial screening

	Yes	No
Does the policy impact on people? (e.g. on service users, businesses, employees, wider community)	Yes	
Will it have a significant effect on how other organisations operate?	Yes	
Does it relate to an area where NatureScot has set <a href="#">equality outcomes<sup>3</sup></a> ?		No
Does it relate to an area where there are known inequalities?	Yes	

If you answered **Yes** to any of the above, please proceed to Stage 1 of the EqIA form.

<sup>1</sup> The term policy is shorthand for policies, provisions, criteria, functions, practices and activities including the delivery of services.

<sup>2</sup> Person leading on the policy development

<sup>3</sup> Across the range of our activities, more people from BAME communities, people with disabilities and disadvantaged families, individuals and communities enjoy and benefit from nature

Through changes to recruitment and attraction procedures more people from BAME communities and people with disabilities apply for opportunities with NatureScot

We have an age-inclusive culture that supports and values everyone

We have reduced the gender pay gap to 9%

## Equality Impact Assessment: assessing impact

### Stage 1. The purpose of the policy, service, activity etc.

What is the purpose of the policy?	The purpose of this programme is to pilot a potential way forward for rural support, for the period after we leave the EU (2024, when the Common Agricultural Policy is replaced)
Who does the policy affect? (employees, customers, equality groups, stakeholders)	The programme focusses on financial support to land-based businesses (farmers, crofters)
What results/outcomes are intended?	The aim is to implement a results-based (or outcome-based) approach to payments, rather than a prescriptive list of actions. Land managers will have more freedom to use their expertise to achieve an outcome; the approach is public money for public goods, including climate change mitigation and adaptation to water quality, air quality, soil health, biodiversity conservation, public access and public health and socio-economic themes (see section 2.2 of <a href="#">A3210039</a> for a fuller explanation)

### Stage 2. Relevance to the needs of the general equality duty

Please consider which aspects of the policy are relevant to the three needs of the general equality duty

	Comment
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Eliminate unlawful discrimination	This policy has the potential to be indirectly discriminative: the majority of land managers are male ( <a href="#">70%</a> ), and the law insists on one person's name on a croft lease, even if it is jointly managed by <a href="#">two (usually a man)</a> . Payment under rural policy may principally benefit men.
Advance equality of opportunity	This pilot programme has the opportunity to target female land managers, and younger land managers to help develop the protocol (the template), the physical pilot schemes, and in its governance.
Foster good relations between groups of people	

### Stage 3. To which of the equality groups is this policy relevant?

All		Sexual orientation	
Age	Y	Gender reassignment	
Disability		Pregnancy and maternity	
Gender	Y	Religion and belief	
Race	Yes, but no	Marriage and civil partnership <sup>4</sup>	

**If you decide that the assessment is not relevant to some groups, please say why below.**

Disability: cannot find any evidence that this characteristic will be impacted positively or negatively

Race: cannot find any evidence that this characteristic will be impacted positively or negatively. This [link](#) shows that there is no evidence for any BME participation in the agriculture/forestry/fishing section asides from 0.1% Asian at the UK level. I cannot find any evidence for Scottish representation. There are wider problems with people of colour owning and managing land, as evidenced in [Beth Collier's article](#). However, this programme is at too specific a level to start engaging on this topic, as opposed to the organisation engaging on the topic at a broader, more strategic level.

Sexual Orientation: cannot find any evidence that this characteristic will be impacted positively or negatively

<sup>4</sup> In relation to unlawful discrimination in employment

Gender reassignment: cannot find any evidence that this characteristic will be impacted positively or negatively

Pregnancy/maternity: any effect on pregnancy/maternity is overridden by the gender characteristic, and it is not relevant to look at this separately

Religion/belief: cannot find any evidence that this characteristic will be impacted positively or negatively

Marriage/civil partnership: this programme has no employees, so it isn't applicable to this characteristic

### Stage 4. Evidence

Please consider what evidence is available to help you identify the impact the policy may have on people amongst the relevant groups you have identified? Both quantitative (statistics etc.) and qualitative (event feedback etc.) are equally valid. Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, [Scottish Government Evidence Finder](#), the views of equality groups, as well your own experience of working in this area etc.

Remember to consider whether this requires you to consult relevant equality groups. Where it is not possible to gather new information in time to inform the assessment, consider including such actions in your plans to monitor and review the policy.

Protected characteristic	Evidence	Source	Gaps and actions taken
Age	29% of those running farms (working occupiers and spouses, or managers) were over 65 (as at 2016), with a further 28% 55-65. 4% are under 35.	<a href="https://www.gov.scot/publications/scottish-survey-farm-structure-methods-2016/">https://www.gov.scot/publications/scottish-survey-farm-structure-methods-2016/</a>	In the population of land managers the programme makes contact with, actively seek out a wide age range of land managers

Gender	70% of farm occupiers/managers are male	<a href="https://www.gov.scot/publications/scottish-survey-farm-structure-methods-2016/">https://www.gov.scot/publications/scottish-survey-farm-structure-methods-2016/</a>	Actively seek out working with female land managers
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Additional comments:

## Stage 5. The significance of the potential impacts

Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the policy offers opportunities to promote equality and/or foster good relations.

Protected characteristic	Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	With the balance of land managers being male and over 55, there is a potential negative impact on younger managers if the full range of experiences aren't included in developing the template, working at the landscape scale on Islay/other area, or included in the pilot pobas schemes.	Negative	M
Gender	With the balance of land managers (70%) being male, there is a potential negative if female land managers are not included in developing the template, or included in the pilot pobas schemes.	negative	H

**Use the following guidance to inform your responses:**

Indicate:

- Where you think that the policy could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the policy could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them

- Where you think that this policy has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a policy may be highly relevant to one aspect of equality and not relevant to another.

<p><b>High impact</b> (The policy or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The policy is institution wide or public facing The policy has consequences for or affects significant numbers of people The policy has the potential to make a significant contribution to promoting equality</p>
<p><b>Medium impact</b> (The policy or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The policy is institution wide or cross-Unit, but mainly internal The policy has consequences for or affects some people The policy has the potential to make a contribution to promoting equality</p>
<p><b>Low impact</b> (The policy or process might be equality relevant)</p>	<p>There is little evidence to suggest that the policy could result in adverse impact The policy operates mainly within a Unit The policy has consequences for or affects few people The policy may have the potential to contribute to promoting equality</p>

## Stage 6. Action needed to fulfil the needs of the general equality duty

Please consider the results of your impact assessment, what mitigating or positive action do you recommend in order to fulfil the three needs of the general equality duty? This will involve considering whether the evidence indicates that there is likely to be a differential impact<sup>5</sup> on particular equality groups, and particularly whether this impact is disproportionately negative.

Remember that it is lawful under the Equality Act to treat people differently in some circumstances, for example taking positive action or putting in place single-sex provision where there is a need for it. It is both lawful and a requirement of the general equality duty to consider if there is a need to treat disabled people differently, including more favourable treatment where necessary.

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<sup>5</sup> Suggests that a particular group has been affected differently by a policy, in either a positive, neutral or negative way.

<b>Needs of the general equality duty</b>	<b>Mitigating or positive actions needed, recommended or planned for each protected characteristic.</b> (Age, Disability, Gender, Race, Sexual orientation, Gender reassignment, Pregnancy and maternity, Religion or belief)
1. Eliminate unlawful discrimination, victimisation or harassment	<p>You should consider whether there is evidence to indicate that:</p> <ul style="list-style-type: none"> <li>– the policy may result in less favourable treatment for particular groups;</li> <li>– the policy may give rise to indirect discrimination;</li> <li>– the policy may give rise to unlawful harassment or victimisation;</li> <li>– the policy may lead to discrimination arising from disability;</li> <li>– the policy builds in reasonable adjustments where these may be needed.</li> </ul>
2. Advancing equality of opportunity	<p>You should consider whether it will help you to:</p> <ul style="list-style-type: none"> <li>– remove or minimise disadvantage;</li> <li>– meet the needs of different groups;</li> <li>– encourage increased participation of particular groups; and</li> <li>– take account of disabled people’s impairments.</li> </ul>
3. Fostering good relations	<p>You should consider whether it will help you to:</p> <ul style="list-style-type: none"> <li>– tackle prejudice; and</li> <li>– promote understanding.</li> </ul>

## Stage 7. Taking account of the results of the assessment

Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:

- **No major change** – your assessment demonstrates that the policy is robust. There is no potential for unlawful discrimination and you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review
- **Adjust the policy** – this involves taking steps to remove any barriers, to better advance equality or to foster good relations.
- **Continue the policy** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the policy** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.

Option selected	Justification
Adjust	<p>To remove the barriers on age and gender, we must explicitly include younger and female land managers in POBAS (a good age range and gender split was included in phase 1 of pobas), and in the consultation over developing the template, and if possible within the Islay/other area project, to take steps to ensure we hear from those land managers who have those characteristics.</p> <p>We may also engage with TERA (Scottish Youth Parliament committee)</p> <p><a href="https://syp.org.uk/tera-committee-year-in-review/">https://syp.org.uk/tera-committee-year-in-review/</a></p> <p>When trialling the template, we will want to specifically target some younger people, and some women. For example, we may wish to trial the template with Lynbreck Croft (KB has had contact with them in the past) in the second year of the programme (rather than the first).</p> <p>The Landscape Scale work includes some community engagement and should therefore adequately include both equalities groups identified in this assessment.</p>

## Stage 8. Summary of agreed actions resulting from your assessment

What action, by whom, will be undertaken as a result of the impact assessment.

No.	Action	Person responsible	Timescale
1.	POBAS scheme participants – actively seek out land managers who are younger (under 55) and female	Kirsten Brewster	Phase 2 initiation
2.	Seek a gender and age balance in the governance of the steering group membership and wider project advisory staff (external and internal)	Claudia Rowse	Programme Start-up phase - 2020
3.	Strive for younger land managers and female land managers to be represented in the template development group	Kirsty Hutchison	Q4, 20-21 for phase 1 testing (limited to four farms); then 21-22 for the rest of the work (extended to 40 farms)
4.	Look at land manager identities in the Islay group and ensure that the voices of the younger and female managers are heard, taking further steps to gain feedback taking additional steps to ensure that this takes place	Stuart Shaw	Likely 21/22, probably during the summer and autumn

## Stage 9. Monitoring implementation and review

In this section, explain how you will monitor and evaluate this policy to measure progress on equality issues identified in the EQIA. Include information on when the monitoring and evaluation will take place, and who is responsible for undertaking it. This should be part of the regular monitoring and evaluation mechanisms you devise for your policy. This may involve considering:

- What type of information is needed for monitoring and how often will it be analysed?
- How will you engage stakeholders in implementation, monitoring and review?

Review date	Person responsible
Quarterly, with highlight reports for the business plan reporting to SLT/Board	Kirsten Makins

## Stage 10. Procurement

The public sector equality duty for procurement requires bodies to consider how they can further fulfil the needs of the general duty in how they procure goods and services both through the award criteria and contract conditions. This applies to thresholds which most, if not all, our procurement falls below. However, EHRC guidance encourages public bodies to adopt these principles to help meet our broader obligations in relation to procurement and equality.

Consequently, if your proposal involves any related procurement of goods, services or advice, you should now consider how best to reflect the results of your impact assessment in the procurement process.

Award criteria at tender stage	This programme does not involve the procurement of goods or services, though the individual projects do. Two are over £50k, two under. All advice will be given by other public sector bodies, in collaboration with NatureScot staff.
How will you evaluate award criteria	NA – the tenders go to contractors rather than the land managers themselves, who are the focus of the EqIA.
Contract performance criteria	

## Stage 11. Authorisation

Please confirm that:

This Equality Impact Assessment has informed the development of this policy:

Yes/No

Opportunities to promote equality in respect of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race and religion or belief have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Advancing equality of opportunity;
- Fostering good relations

Yes/No

I am satisfied with the equality impact assessment that has been undertaken for Scotland's Natural Capital Pilot Programme and give my authorisation for the results of this assessment to be published on the NatureScot website.

<b>Name:</b>	<b>Claudia Rowse</b>
<b>Position:</b>	<b>Natural Resource Management Activity Manager</b>
<b>Authorisation date:</b>	<b>2 December 2020</b>

Note: if this EqIA is associated with a policy that requires Director, SLT, or Board sign-off, you should arrange for the results of the assessment to accompany approval of the policy. This is to ensure that decision-makers are given sufficient information to enable them to pay due regard to equality when making their decision.

## Stage 12. Storing and publishing this EqIA

The regulations require that where an assessment has been made and the policy is implemented, the results of any assessment be published 'within a reasonable period' of the decision to apply the policy.

**Please save your EqIA to an appropriate folder. For example, if it relates to a project, you should save it to the project folder. Please also record summary information about your EqIA in the tracking spreadsheet [B239231](#). Send the Objective ID to the Equality and Diversity Team for review and publication on the NatureScot website.**

## **Guidance and tools**

### **Glossary of key terms**

[Equality and Human Rights Commission](#)

[Equality Challenge Unit](#)

### **Equality and Human Rights Commission (EHRC)**

[EHRC guidance on public sector equality duty](#)

[EHRC guidance on impact assessments](#)

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[EqIA – Process Map](#)