

Impact Assessment (IA) form

General Information

Name of policy/proposal	Opt-in Hearings
Responsible department	Performance and Improvement
Date	22 October 2019

Aims of the proposal

<p>What do you hope to achieve? Why is the policy/proposal needed, for example is there currently a gap in service delivery?</p>	<p>At their meeting in October 2018, Council members granted authorisation to consult on a move to opt-in hearings, where a hearing will be held only where a worker requests it (other than in exceptional circumstances ie public interest). This followed a 17-month analysis period that shows we were holding a significant number of hearings where there was no engagement from the worker (97 hearings, 165 hearing days).</p> <p>Non-engagement has an impact on witnesses who go through the process of giving evidence, as well as on care services that need to release staff to attend these hearings. This can in turn affect people who use services.</p> <p>There are also resource implications for the Fitness to Practise and Hearings departments, including the need to generate large volumes of paperwork that we</p>
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	<p>must send to the worker throughout the process. This includes dis-engaged workers who request that we do not send this paperwork – we are required to do so.</p> <p>This change will affect all registrants and applicants who may be subject to a fitness to practise investigation.</p> <p>By changing this from the current model, we anticipate:</p> <ul style="list-style-type: none"> • an improved level of engagement from workers who do attend hearings, measurable and comparable against current engagement levels as recorded by the Hearings department • reduced impact on witnesses, employers and services as there will be fewer abstractions from day-to-day business, measured by assessing the number of hearings held compared to previous years under the current model • reduced impact on people who use services due to the above, this is less measurable but we can infer that a reduction in abstractions for employers/witnesses will improve availability of these staff at their workplace • increased capacity within the FTP and Hearings departments to deal with anticipated increases in the number of cases in line with the expansion of the Register, measurable through the number of cases held by FTP staff and the time spent on attending and arranging hearings.
<p>How will it contribute to the SSSC’s strategic objectives and/or priorities?</p>	<p>Strategic outcome 1: The right people are on the Register</p> <p>Strategic priority 1: Build our relationship with registrants and employers</p> <p>Strategic priority 2: Out fitness to practise process is proportionate and accessible</p>

Equality duties and protected groups Who will it affect (either positively or negatively)?	Equality Act 2010
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Data and evidence gathering, involvement and consultation

(Please include any evidence or relevant information that has influenced the decisions contained in this IA)

Please include details of all evidence used (qualitative and quantitative) you have included. This should include, where relevant, numbers of children and young people and their views/experiences and how this will affect them.	<p>Analysis shows that when workers are not engaged in the fitness to practise process, and do not attend hearings, the final decision made at that hearing is the same in 94% of cases as that proposed by a solicitor in the FTP department.</p> <p>No impact on children and young people.</p>
Has the proposal been the subject of relevant engagement and/or consultation? If yes, please say who with. If no, please say why none took place.	<p>We consulted with registrants, applicants, employers, unions, representative bodies, law centres and advocates between September 2019 and October 2019.</p> <p>Part of this consultation was a survey which asked directly for feedback on the potential impact on people with protected characteristics.</p>
Engagement and/or consultation carried out	As above.
What were the results? Please include any consultation report/engagement results	<p>Overwhelmingly the majority of respondents agreed with our proposal (92%, 675 people).</p> <p>Disability, race and age were the most frequently highlighted areas of potential impact by respondents.</p>

Have you used best judgement (officer/practitioner knowledge and experience) in place of data/research/evidence? If yes, who provided this best judgement and what was this based on?	N/A
What gaps (if any) did you find in your data?	N/A
Is further research necessary? If yes, what will you do, for example a further consultation, conduct a survey, engage with specific groups of people etc?	N/A

ASSESSING THE IMPACTS AND IDENTIFYING OPPORTUNITIES TO PROMOTE EQUALITY

Having considered the data and evidence you have gathered; you need to consider potential impacts – negative and positive that your proposal might have on each of the protected characteristics. It is important to remember the duty is also a positive one – this means we must explore whether the proposal offers the opportunity to promote quality and/or foster good relations. Under each protected characteristic please consider how your proposal achieves the following:

- **eliminates discrimination, harassment, victimisation or any other prohibited conduct**
- **advances equality of opportunity by having due regard to:**
 - **removing or minimising disadvantage**
 - **meeting the needs of particular groups that are different from the needs of others**
 - **encouraging participation in public life**
- **fostering good relations – tackling prejudice, promoting understanding.**

Gender – does the proposal take account of different roles and responsibilities? Does it assume, perhaps wrongly that men have no caring responsibilities? Is the proposal flexible enough to provide a service that everyone can access?

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	We know the social services workforce in general is primarily made up of female workers (data.sssc.uk.com). We also know that men are over-represented in FTP cases – in October 2018 24.0% of cases involved men. This compares to 15.0% of the overall workforce who are men.

Ethnicity – have you covered all minority ethnic groups? Consider the impact your proposal has on someone from a minority ethnic group and remember this impact may differ depending on the gender, disability, faith, sexual orientation or ethnicity of the person as different cultures have different views on what is acceptable. Consider language and format.

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

			Of all registrants who declare an ethnicity, 9.9% stated an ethnicity other than White British/Irish. 9.7% of workers in hearings where there was no engagement identified as an ethnicity other than White British/Irish. There may be underreporting in the number of registrants who identify as an ethnicity other than White British/Irish.
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Disability – a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person’s ability to carry out day-to-day activities. How does this proposal affect disabled people? Are there any impairment groups who are unfavourably affected by the policy?

Positive impact <input type="checkbox"/>	Neutral impact <input checked="" type="checkbox"/>	Negative impact <input type="checkbox"/>	Reasons for your decision We know from previous analysis that 2.0% of registrants declare a disability. 0.6% of workers in hearings with no engagement identified as having a disability. There may be under-reporting in the number of workers declaring a disability.
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Sexual orientation – what are the issues for this group in terms of your proposal? Does it meet the needs of this group?

Positive impact <input type="checkbox"/>	Neutral impact <input checked="" type="checkbox"/>	Negative impact <input type="checkbox"/>	Reasons for your decision No identified impact.
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Gender reassignment – does your proposal include people of different gender identities? Will your proposal impact transgender individuals in any way?

Positive impact	Neutral impact	Negative impact	Reasons for your decision
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No identified impact.
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Age – remember different age groups have different concerns. When considering age remember that some individuals are more vulnerable or have issues that may need additional consideration.

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is an over-representation of workers aged 55-64, compared to the overall register.

Marriage and civil partnership – it is unlawful discrimination for people who are married/civil partnership/same-sex couple to be treated less favourable in employment than those who are not married/civil partnership/mixed-sex couple.

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No identified impact.

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

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No identified impact.

Religion/belief/non-belief – does your proposal take into account different festivals, holidays, religious days and traditions? Will the different faith beliefs impact on women from that group and exclude or prevent them from using the service?

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No identified impact.

CHALLENGES AND OPPORTUNITIES FOR EQUALITIES GROUPS LIVING IN AN ISLAND COMMUNITY

This section considers the impact or effect of your proposal on an island community and whether this could be significantly different from its effect on other communities. Your proposal should be developed and delivered to improve or reduce any negative impact(s). Please consider each of the protected characteristics and complete the table below highlighting your evidence and justification for your response.

Is the impact positive, negative or no impact? Give comments	Positive Impact	Neutral Impact	Negative Impact	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No identified impact.
Advancing equality of opportunity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No identified impact.
Promoting good relations among and between	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No identified impact.

CHILD RIGHTS AND WELLBEING

This section considers the impact of your proposal on children and young people, or specific groups of children and young people, in Scotland. The UNCRC (The United Nations Convention on the Rights of the Child) has four general principles which you should consider as you develop your proposal.

- 1. Non-discrimination children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).**
- 2. Best interests of the child every decision and action taken relating to a child must be in their best interests.**
- 3. Life, survival and development every child has a right to life and to develop to their full potential.**
- 4. Respect for the views of the child every child has a right to express their views and have them given due weight in accordance with their age and maturity. Children should be provided with the opportunity to be heard, either directly or through a representative or appropriate body.**

Please identify the individual rights you consider most relevant to your proposal and highlight the potential impact.

Is the impact positive, negative or no impact? Give comments	Positive Impact	Neutral Impact	Negative Impact	Reason for your decision
Civil rights and freedoms (Children have a right to access and to move freely in public spaces, and to meet up and spend time with others. Children have a right to think and believe what they like, to access information	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No identified impact.

<p>and to speak their mind, so long as this is not harmful to others. They have a right to keep personal matters and communications private.)</p>				
<p>Violence against children (Children have a right to be protected from inhuman or degrading treatment in every setting.)</p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p>No identified impact.</p>
<p>Family environment and alternative care (Children have a right not to be separated from their parents, unless this is in their best interests. Where children must live apart from their families, they have a right to be well cared for. If the child's parents are living apart, the child has the right to maintain</p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p>No identified impact.</p>

<p>contact with both, if that is safe and in their best interests. Children should have a say when adults make decisions about where they live and how they should be cared for, and those placements should be subject to regular review.)</p>				
<p>Disability, basic health and welfare (Disabled children are children first and have a right to the same opportunities as every child. That means removing the barriers - whether social, cultural, attitudinal or physical which impede their inclusion in education, play and recreation, and society, and providing whatever protective measures, health and social care services</p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p>No identified impact.</p>

<p>they might need. It also means promoting their equal rights and protecting them from discrimination. To fully take part in these opportunities, disabled children and their families sometimes require special care and assistance which should, where possible, be delivered free of charge.)</p>				
<p>Education, leisure and cultural activities (All children, no matter what their ability, interests or background, have a right to an education that will help them achieve their potential without discrimination. Education should be child-centred and empowering. It should strengthen their</p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p>No identified impact.</p>

<p>capacity to enjoy the full range of human rights as well as promote human rights values. Children should be able to express their views, and encouraged to participate in preschool, school and college life. Children have a right to learn about human rights. Children also have a right to play and recreational activities, to rest and leisure, and to take part in cultural life.)</p>				
<p>Special protection measures (There are groups of vulnerable and marginalised children who require special protection and these are often the children who are most at risk of having their rights</p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p>No identified impact.</p>

<p>ignored or infringed. They include asylum-seeking and refugee children, child victims of trafficking or exploitation, and children in trouble with the law. Asylum-seeking children and child refugees are entitled to special protection and all the other rights in the UNCRC. They must not be the victims of discrimination or stigmatisation. If they arrive unaccompanied by any parents or other family members, they should be well cared for. They should not be deprived of their liberty. Institutions where children are detained should treat them in a manner which takes into account their age,</p>				
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capacity and individual needs.)				
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HEALTH AND WELLBEING AND HEALTH INEQUALITIES

This is about physical, mental health and wellbeing and includes for example, participation, creativity and developing potential. It also covers all aspects of poverty including income and fuel poverty. The Fairer Scotland Duty requires us to actively consider how we can reduce inequalities in any major decision we make. Think about health and the different causes of health inequalities:

- **fundamental causes like macro-economic position, societal values about fairness and equity**
- **wider environmental influences like availability of jobs, physical environment for example, availability of services**
- **individual experiences like mental health and wellbeing, family income, ability to navigate services, connectedness**
- **socio-economic disadvantage like low income, low wealth, material deprivation and area deprivation.**

Think about the different causes and types of poverty.

- **Will this proposal provide services that meet the needs of people experiencing poverty?**

Will the information and services be easy to access?

Is the impact positive, negative or no impact? Give comments	Positive Impact	Neutral Impact	Negative Impact	Comments
Remove inequalities and increase access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No identified impact.

to opportunities for improving health and wellbeing				
Advance opportunities for increasing health and wellbeing across the sector	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No identified impact.
Foster good practice for sector wide health and wellbeing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No identified impact.

ECONOMIC AND SOCIAL SUSTAINABILITY

This is about pay, employment opportunities, valuing and supporting voluntary work. It also covers some areas of poverty including individual and community resilience. The Fairer Scotland Duty requires us to actively consider how we can reduce inequalities in any major decision we make.

How will your proposal impact on social status, employment (paid or unpaid), encourage investment in skills and training, assist people on low incomes or support other disadvantaged groups in any way, the impact of delivery of services for people living rurally?

How will your proposal work in rural areas where the existing infrastructure is typically less developed or where infrastructure does not exist, for example there's no fast broadband connections?

Is the impact positive, negative or no impact? Give comments	Positive impact	Neutral impact	Negative impact	Reason for your decision
Removes disadvantage of inequality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No identified impact.
Advance opportunities for individuals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No identified impact.
Foster good relations and sustainability of communities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal would result in fewer witnesses attending hearings where there was no engagement by workers. This in turn would result in less impact on the delivery of services in communities and ensure continuity of service provided to people who use services.

DECISION MAKING

Which one of the following statements best matches your assessment of this proposal? Please give your reasons.

<p>No major change – proposal is robust, evidence shows no potential for discrimination, all opportunities to promote equality have been taken</p>	<p>X - While there are identified areas of potential impact on protected characteristics of sex (gender), race, disability and age, these are linked to our overall Fitness to Practise function and therefore not specifically impacted by the proposed changes. As identified above, we know that certain groups are both under- and over-represented in hearings. We will take specific action to identify potential barriers in our language and communication.</p>
<p>The proposal needs to be adjusted to remove barriers or better promote equality</p>	
<p>Proceed with proposal despite potential for adverse impact or missed opportunity to promote equality (not possible to remove all the risk protected characteristic groups)</p>	
<p>Stop and remove the proposal – shows actual/potential unlawful discrimination/in breach of equality legislation</p>	

MONITORING AND REVIEWING

How will you monitor the implementation of the proposal? For example, customer surveys.	We will monitor and review data from Mattersphere and Dynamics 365 when visualisation is available through Power BI or equivalent software.
How will you use the results of the monitoring to develop the proposal? (This information will be useful when you review the policy.)	We will use this to identify any specific steps we need to take to support specific groups of workers.
When and how will you review the proposal? (Please also give details of who is responsible.)	When data visualisation is embedded in the organisation we will undertake a detailed review of all equalities related issues across all Fitness to Practise work. We expect to do this over the period of the next strategic plan (2020-2023).