

Equality Impact Assessment National Library of Scotland Bill

This Equality Impact Assessment considers the impact on equality groups of the National Library of Scotland Bill which was introduced to the Scottish Parliament on Wednesday 26 October 2011 and published on Thursday 27 October 2011.

A copy of the Bill and accompanying documents can be found at the following link:

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/42988.aspx>

EQUALITY IMPACT ASSESSMENT (EQIA) TOOL

To complete the steps in this tool, please refer to the separate Equality Impact Assessment (EQIA) Guidance document.

Is an EQIA required for your policy?

Yes: Go to [page 3](#)

No: Please refer to the detailed EQIA Guidance before making a decision not to conduct an EQIA. If, after reading the Guidance, you consider you do not need to complete an EQIA, please confirm the following:

- Will individuals have access to, or be denied access to, a service or function as a result of your policy or the changes you propose to make? Yes No
- Will the implementation of your policy, directly or indirectly, result in: individuals being employed; or a change in staffing levels, terms and conditions, employer or location? Yes No
- Is there a change in the size of a budget and will this change impact on individuals? For example will a service be withdrawn, changed or expanded? Yes No
- Will your policy impact on another policy area that affects people? Yes No

If you have answered **yes** to *any* of these questions, your policy **does** affect people and you should undertake an equality impact assessment.

If you have answered **no** to *all* of these questions, considered the EQIA Guidance and are satisfied you do not need to complete an EQIA, please fill in an “Equality Impact Assessment is not required” form on the following page.

The “Equality Impact Assessment is not required” form should be completed by an officer who is responsible for the decision. The form should then be authorised by the Deputy Director or equivalent.

EQUALITY IMPACT ASSESSMENT IS NOT REQUIRED

Policy title	
Which national outcome(s) does the policy contribute to?	
What is the purpose of the policy (or changes which are to be made to the policy)?	
Name of Branch or Division	
Directorate or Agency	
Lead EQIA official	

Please explain why you consider that an EQIA is not required.

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I confirm that this decision has been authorised by:

<i>Name and job title of a Deputy Director or equivalent</i>	<i>Date authorisation given</i>
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The completed form should be sent to the Equality and Communities Division at gender.mainstreaming.equality@scotland.gsi.gov.uk, who will publish it on the Scottish Government's website.

EQUALITY IMPACT ASSESSMENT IS REQUIRED

Policy title	National Library of Scotland Bill
Which national outcome(s) does the policy contribute to?	<p>We are better educated, more skilled and more successful, renowned for our research and innovation.</p> <p>Our public services are high quality, continually improving, efficient and responsive to local people's needs.</p>
What is the purpose of the policy (or changes which are to be made to the policy)?	<p>The Bill modernises the governing legislation for the National Library of Scotland, which was established by virtue of the National Library of Scotland Act 1925 (c.73). The Bill defines the functions of NLS and updates its powers in line with those of modern public bodies. The 1925 Act did not specifically provide for the Board's functions, which have evolved over time.</p> <p>The Bill will also reduce the size of the Board, remove reserved places and ensure all appointments are made by Scottish Ministers based on merit and selection. This will bring NLS in line with current public appointments practice under the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4).</p>
Name of Branch or Division	Cultural Excellence, Culture Division
Directorate or Agency	Housing, Regeneration, Culture and the Commonwealth Games
Lead EQIA official	Mike Griffiths

STEP ONE - Describe the assessment process

Please describe the process that you plan to follow (or have followed) in order to complete your EQIA (e.g. holding workshops with equality stakeholders, consulting, conducting research, using existing evidence).

Policy proposals:

Principally the Bill reforms the governance arrangements of the National Library of Scotland (NLS) to reflect the Scottish Government's continuous improvement of public services.

The Board of Trustees currently has up to 32 members. Eleven are ex-officio including places reserved for the First Minister (who does not take up his place), the MSP for Edinburgh Central and the Lord Provosts of Aberdeen, Dundee, Edinburgh and Glasgow. Four Trustees are currently Crown Appointments, which are nominated by Scottish Ministers. The Faculty of Advocates, Universities Scotland and COSLA also have the right to appoint members to the board.

Recent attendance information indicated that 10 of the trustees had not attended any of the possible board or committee meetings between January 2010 and June 2011, while a further 5 attended fewer than half of these meetings. Therefore only 17 of the trustees are attending more than half of the available meetings with only 8 attending three quarters or more of the required meetings. All the Crown appointees nominated by Scottish Ministers attended more than half of the meetings.

Key changes:

- Reduction in size of NLS' Board of Trustees (from 32 to 7-14) – will become more like other modern public bodies, in terms of number of Board members.
- Furthermore the Chair and all Board members will be appointed by Scottish Ministers to adhere to modern public appointments practice subject to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 when appointing members.
- Eradication of reserved places – Appointments will be made according to relevant skills rather than office held. Regarding equality, a fairer representation would be sought so as to provide a positive promotion of equalities and diversity. Diversity considerations are a requirement of the public appointments process.

Functions

The NLS founding legislation (National Library of Scotland Act 1925) does not specifically provide for the Board's functions, which have evolved over time. NLS is a national resource for reference, research, study and bibliography.

Key changes:

- The functions and powers of the NLS will be transparently defined in up to

date legislation.

- Outlining these functions in legislation will allow the NLS to continue its usual activities but in a more effective and efficient manner while also reflecting its modern objectives.
- The functions will enable as many people as possible to access and engage with the Library and will increase the diversity of those who access NLS. The functions will be specifically focused on access and with specific reference to students and researchers.

The Bill contributes to the National Outcomes that “we are better educated, more skilled and more successful, renowned for our research and innovation”, and that, “our public services are high quality, continually improving, efficient and responsive to local people’s needs”.

Process followed:

We conducted research on the diversity of the Board of Trustees by researching biographies and length of service. Information on comparator information on Ethnicity, Gender and Age from national and City of Edinburgh Council information.

NLS have provided us with information on Reading Room Users. This information has covered gender, age, employment type and ethnic background. In addition NLS have provided recent meeting-attendance records.

We consulted colleagues in other teams in Scottish Government including Equalities, Analytical Services Division and Legal, to get updated advice and information.

We researched Statistics on public appointments using Annual reports from the Office of the Commissioner for Public Appointments Scotland and Public Appointments Diversity Monitoring Statistics 2010-11 found at <http://www.appointed-for-scotland.org/About-public-bodies/Diversity/>

NLS Board attendance figures for Board and committee meetings between Jan 2010-June 2011 were provided by NLS. NLS publish their Equalities policies, plans and reviews on their website at <http://www.nls.uk/about-us/corporate-documents#equalities>

There was limited information available on Gender Identity, Religion and Sexual Orientation and this is reflected in the impact assessment.

This document will consider the equalities impact on three key areas:

- The Board – key governance changes are being proposed in the Bill.
- Users and Collections – Functions of NLS are being stipulated in the Bill which will reflect the importance of users and the items held by NLS.

STEP TWO – Gathering and Analysing the Evidence (with help from the Analytical Services Division)

AGE

Board

Description: The majority of the current NLS Board members are appointed by right of holding high office or on account of being persons of eminence in literature or public life. Some of the places are reserved for nominees of COSLA, Universities Scotland and the Faculty of Advocates.

Issues:

- A board survey reveals from the available information that 76% are aged over 50 with 18% over 70. Average age of the trustees is 57.6. Statistics on public appointments made by the Scottish Government show that equivalent figures are 68% over 50 and 2.5% over 70 indicating high levels of experience but also a lack of opportunity for younger qualified persons to join the board. This may raise concerns about the currency of experience ie whether the board is sufficiently up to date with current operating practices and whether it understands how their users will want to use the NLS in the future.
- There is currently no limit to the length of service by a trustee. Currently 37% of the trustees have served for longer than 6 years.

Effect of Policy changes: New legislation would ensure all ministerial public appointments were in line with the Public Appointments and Public Bodies etc. (Scotland) Act 2003, and thereby satisfy the Scottish Government's policy on ministerial public appointments.

The equality impacts noted above could be lessened by opening up greater opportunity for younger qualified persons to be appointed to the Board on merit. NLS will continue to require relevant experience and expertise in their trustees in the future but removing the reserved posts should offer a greater diversity and help to reduce the gap between age profile of the users and those of the Trustees.

In line with current public appointments practice the maximum terms that a Trustee can serve will be stipulated by Scottish Ministers. This is likely to improve the diversity and currency of Trustees and ensure that the Board will have relevant expertise and the flexibility to adapt to changing requirements.

Users

Description: Evidence from NLS shows a high proportion of the users (29%) is aged between 17-25. Students make up 39% of the users reflecting the high student population in the city. The highest age group collected is between 26-64 at 60% with only 9% over 65. The high percentage of users in the 26-60 range is partly reflected by the size of the age range collected – 34 years.

Effect of Policy changes: Changes to the policy are unlikely to have a major change to the age balance of users, as a high proportion of the users will continue to be students.

Collections

Description: The collection has over 14 million items to support its status as one of Europe's major research libraries. It operates as a reference library and is Scotland's legal deposit library.

Issues: Ensuring that the collection has a wide enough variety of items which would be attractive to all age groups.

Effect of Policy changes: Changes to the Policy are unlikely to have a major effect on the access to users and items collected.

DISABILITY

Board

There is no information on the numbers of trustees who declared themselves as disabled. Statistics on public appointments made by the Scottish Government in 2010/11 identified 7.7% of its appointments as people with a declared disability; and 12.3% of applications were people with a declared disability.

There is no available evidence to determine if current arrangements discriminate on disability grounds, new legislation would ensure all ministerial public appointments were in line with the Public Appointments and Public Bodies etc. (Scotland) Act 2003, and thereby satisfy the Scottish Government's policy on ministerial public appointments. Service users and employees will benefit from a better range of representation at trustee level.

Users

Information from NLS indicates that 6% of its users declared themselves as disabled.

Figures from the Public Appointments Commissioner indicate that 20% of the general population are classified as disabled. The discrepancy between the low levels of disabled users compared against the population as a whole might indicate that the requirements of the disabled users and potential users are not being met. It must be noted that NLS data only includes visits to the Reading Room and takes no account of on-line access.

Collection

Description: The collection is housed on a number of sites and items moved to the reading room when a request is received. As the Library is a reference library the non-digitised items must be viewed in the reading room.

Issues: Although there is a programme in place for increasing the amount of items available online, the majority of the items are not digitised and it may be helpful for NLS to explore if there are any barriers that currently discourage disabled users from using the reading room.

Effect of Policy changes: The digitisation of the collection is ongoing so changes to the legislation will support the continued work in this area by outlining the needs of NLS to provide access to the collection for all those who want or need it.

Access and Diversity are key areas which will be addressed by the bill. This will support the work already being carried out by NLS on supporting disabled users.

GENDER, INCLUDING PREGNANCY AND MATERNITY

Board

Description: The majority of the current NLS Board members are appointed by right of holding high office or on account of being persons of eminence in literature or public life. Some of the places are reserved for nominees of COSLA, Universities Scotland and the Faculty of Advocates. The Crown appointees do follow the Public Appointments and Public Bodies etc. (Scotland) Act 2003 on public appointments and are therefore regulated on gender equality.

Issue: Current arrangements do appear to disadvantage on gender grounds with only 22% of the Trustees being female. Statistics on public appointments made by the Scottish Government show a higher proportion of female trustees on boards appointed under Public Appointments and Public Bodies etc. (Scotland) Act 2003 – 37% in 2010-11.

Effect of Policy changes: New legislation would ensure all ministerial public appointments were in line with the Public Appointments and Public Bodies etc. (Scotland) Act 2003, and thereby satisfy the Scottish Government's policy on ministerial public appointments. It should also improve the gender balance on the board allowing a more balanced representation.

There is no available evidence to determine if current arrangements discriminate on gender grounds, but new legislation would ensure all ministerial public appointments were in line with the Public Appointments and Public Bodies etc. (Scotland) Act 2003, and thereby satisfy the Scottish Government's policy on ministerial public appointments.

Users

Evidence supplied by NLS shows an equal gender balance in 2010-11 among users so the change in policy should better reflect the gender of the users at trustee level. We would not expect the policy to have a negative impact on the gender balance of NLS users.

Collection

We would not expect changes to the Policy to have a major effect on the access for users and on items collected.

Pregnancy & Maternity. There is no available evidence to determine if current arrangements discriminate on pregnancy & maternity grounds, but new legislation would ensure all ministerial public appointments were in line with the Public Appointments and Public Bodies etc. (Scotland) Act 2003, and thereby satisfy the Scottish Government's policy on ministerial public appointments. Although we have no information on the pregnancy and maternity status of either board members or users, we would expect, particularly with reference to users, that the NLS explores any necessary arrangements to ensure that these users are able to access NLS services without fear of discrimination or harassment. NLS may wish to keep under review whether it is desirable to monitor the pregnancy and

maternity status of the board and users and ensure suitable facilities are available to encourage access to their collections.

GENDER IDENTITY¹/TRANSGENDER PEOPLE²

The majority of the current NLS Board members are appointed by right of office from the NLS Act 1925 which does not cover any aspect of gender identity.

NLS does not collect this information from users.

There is no available evidence to determine if current arrangements discriminate on gender identity grounds, but new legislation would ensure all ministerial public appointments were in line with the Public Appointments and Public Bodies etc. (Scotland) Act 2003, and thereby satisfy the Scottish Government's policy on ministerial public appointments. Statistics on public appointments made by the Scottish Government offer no data in this area for recent appointments. Although we have no information on the gender identity of either the current board members or users, we would expect, particularly with reference to users, that the NLS explores any necessary arrangements to ensure that transgender users are able to access NLS services without fear of discrimination or harassment.

Under the current public appointments process information on equalities and diversity issues of potential board members is collected for monitoring purposes. The process is voluntary and unattributable, but more data on the gender identity of the board may be available in future under the new legislation for NLS.

NLS may wish to keep under review whether it is desirable to monitor the gender identity of its users.

¹ This is an individual's internal self-perception of their own gender. A person may identify as female, male, or as androgynous/polygender (identify his/her gender as a combination of aspects of man and woman or alternatively as being neither a man nor a woman).

² Transgender: refers to a whole range of people who find their gender identity or gender expression differs in some way from the gender assumptions made by others about them when they were born. This can include: androgyne/polygender/genderqueer people, crossdressing/transvestite people, intersex people, and others. (Please refer to the EQIA Guidance for a further definition of these terms).

SEXUAL ORIENTATION

The majority of the current NLS Board members are appointed by right of office from the NLS Act 1925 which makes no reference to any aspect of sexual orientation.

NLS do not collect this information from users.

There is no available evidence to determine if current arrangements discriminate on sexual orientation grounds, but New legislation would ensure all ministerial public appointments were in line with the Public Appointments and Public Bodies etc. (Scotland) Act 2003, and thereby satisfy the Scottish Government's policy on ministerial public appointments. Statistics on public appointments made by the Scottish Government show that 6% of recent appointments and 2.5% of applications declared themselves to non-heterosexual in 2010-11.

Although we have no information on the sexual orientation of either board members or users, we would expect, particularly with reference to users, that the NLS explores any necessary arrangements to ensure that these users are able to access NLS services without fear of discrimination or harassment.

Under the current public appointments process information on equalities and diversity issues of potential board members is collected for monitoring purposes. The process is voluntary and unattributable, but more data on the sexual orientation of the board may be available in future under the new legislation for NLS.

NLS may wish to keep under review whether it is desirable to monitor the sexual orientation of its users.

RACE

Description: The majority of the current NLS Board members are appointed by right of office from the NLS Act 1925 which did not cover any aspect of racial equality. The crown appointees do follow the Public Appointments and Public Bodies etc. (Scotland) Act 2003 on public appointments and are therefore regulated on equality.

Issues: 3.8% of applications for SG appointments were received from minority ethnic applicants and 3.4% of appointees in 2010-11 were from a minority ethnic background, which, although is above the percentage of people which the 2007-08 Scottish Household Survey classes as non white living in Scotland (2%). The figures for Edinburgh show a higher percentage of the population as non-white (5%). We would aspire to see a more diverse board for NLS and envisage that an appointments process in line with the Public Appointments and Public Bodies etc. (Scotland) Act 2003 should reflect our own aspirations for equality and diversity.

Effects of the Policy: There is no available evidence to determine if current arrangements discriminate on racial grounds, but new legislation would ensure all ministerial public appointments were in line with the Public Appointments and Public Bodies etc. (Scotland) Act 2003, and thereby satisfy the Scottish Government's policy on ministerial public appointments.

Information supplied from NLS showed that 10% of users declared themselves from a minority ethnic background, 8% points above the population percentage. As indicated above, the 2001 Census figures are likely to be out of date and it would be more appropriate to use local or regional population information. The higher levels of users from ethnic minorities could reflect the level of international students studying in Edinburgh. We would expect changes to meet at least the level currently achieved by boards operating within the Public Appointments and Public Bodies etc. (Scotland) Act 2003 although this would still not be representative of this category of users.

RELIGION AND BELIEF

Description: The majority of the current NLS Board members are appointed by right of office only one of which specifically involves a religious aspect – Minister of the High Kirk (St. Giles). The Crown appointees do follow the requirements of Public Appointments and Public Bodies etc. (Scotland) Act 2003 on public appointments which take account of diversity issues.

Issue: The current legislation is discriminatory on the basis that a specific religious post has been identified as a Board member. There appears to be no discrimination on religious grounds for any of the other posts. Applications for Nolan regulated board posts show that 51% declare themselves as members of a Christian faith with 3.5% members of a non-Christian faith.

New legislation would ensure all ministerial public appointments were in line with the Public Appointments and Public Bodies etc. (Scotland) Act 2003, and thereby satisfy the Scottish Government's policy on ministerial public appointments.

Under the current public appointments process information on equalities and diversity issues of potential board members is collected for monitoring purposes. The process is voluntary and unattributable, but more data on the religion and beliefs of the board may be available in future under the new legislation for NLS.

Impact on Users - There is no available evidence to determine if current arrangements discriminate on religion or belief grounds. Although we have no information on the religious beliefs of the majority of the board members and of the users, we would expect, particularly with reference to users, that the NLS explores any necessary arrangements to ensure that these users are able to access NLS services without fear of discrimination or harassment. NLS may wish to keep under review whether it is desirable to monitor the religion or beliefs of the users.

OTHER IMPACTS

Please describe any other impacts that may have been considered as part of this policy development (e.g. impacts on human rights; socioeconomic impact).

STEP THREE – Describe how equality analysis has informed and helped to shape your policy

a) Describe any steps which have been/will be taken as a result of information uncovered through the EQIA process.

This EQIA will be shared with the NLS which, as a public body, is subject to similar equality requirements as the Scottish Government. Where we have endeavoured to set out potential barriers and issues regarding access to the Library, representation on the Board and the appropriateness of its collections, we would expect that the NLS takes steps to consider how it will address equality and diversity across the full range of its policies and functions. We have identified that NLS may wish to put in place additional monitoring for gender identity, sexual orientation and religion and belief.

b) Describe any equality issues that you identified in Step 2, which you haven't addressed or mitigated, and explain the reasons why.

Although the evidence relating to the sexual orientation, gender identity, religion and belief of users is currently unavailable, we can encourage the NLS to address the needs of these equality groups in terms of the full range of its policies and functions. In addition NLS may wish to review whether it is desirable to monitor the sexual orientation, gender identity, religion and belief of users and board members.

c) Explain whether your EQIA analysis had an impact on the size of your resource and/or the way you use resources.

There is likely to be an initial extra cost for the appointments process for the new trustees and as their terms (length of appointment) would be regulated as determined by Scottish Ministers there is likely to be a regular need for recruiting to trustee positions that become vacant. Staff time on recruiting and interviewing new trustees is likely to increase both for Scottish Government and NLS staff; these are manageable within existing resources. The average cost of appointments under the new statutes is likely to be approx £5,000 in total per round.

d) Explain whether there are implications on costs, and the focus of spend, arising from your EQIA analysis. Do you have the budget to cover your costs, and has the EQIA changed how you use your budget?

Costs associated with appointments are outlined above.

There is unlikely to be any additional costs associated with stipulating the functions in statute as many of the functions are already being carried. There would be a nominal additional cost to NLS to carry out any additional monitoring for the newer diversity strands.

STEP FOUR – Risks and Monitoring

Describe any risks for your policy in terms of delivering on the equality issues identified in the EQIA, and describe how you will mitigate the identified risks.

There is a risk, as with all Bills, that the outcomes we describe in this EQIA are not realised through legislation alone.

This EQIA will be shared with the NLS and we would expect that, as a public body, the Library will take steps to consider how it will address equality and diversity across the full range of its policies and functions.

This EQIA has identified some clear positive equality and diversity benefits associated with the new NLS Bill. The bill will address issues relating to age, gender, religion and belief and we have not been able to identify any negative equality or diversity impacts from its implementation.

Explain how you will monitor and evaluate this policy, to measure progress on the equality issues identified in the EQIA. Include information on when the monitoring & evaluation will take place, and who is responsible for undertaking it.

NLS will provide Scottish Ministers with information about how it is exercising the function of increasing the diversity of people accessing and using its facilities. It will also provide Scottish Ministers with information on its equality schemes as and when requested. This will be done annually and through its Annual Report and Corporate Plan.

STEP FIVE - Authorisation and Publication

1) Authorisation by a Deputy Director

The EQIA should now be authorised by a Deputy Director or equivalent. Please note that the lead EQIA official is responsible for saving the authorisation form on Objective. The authorisation form will not be published on the Scottish Government's website.

Policy title	National Library of Scotland Bill
Name of Branch or Division	Cultural Excellence, Culture Division
Directorate or Agency	Housing, Regeneration, Culture and the Commonwealth Games

Please confirm that:

- The EQIA has informed the development of the policy

Yes No

- Opportunities to promote equality in respect of age, gender, disability, race, religion/belief, sexual orientation, and gender identity have been considered, i.e.:

- eliminating discrimination, harassment, victimisation
- removing or minimising any barriers/disadvantages
- taking steps which assist with promoting equality and meeting people's different needs
- encouraging participation (e.g. in public life)
- fostering good relations, tackling prejudice, promoting understanding

Yes No

I am satisfied with the equality impact assessment that has been carried for the above policy, and give my authorisation for the EQIA to be published on the Scottish Government's website.

Name	
Position	Deputy Director, Culture Division
Authorisation Date	5 October 2011

2) Publication

Once the authorisation is gained, the EQIA should be emailed to the Equality and Communities Division at

gender.mainstreaming.equality@scotland.gsi.gov.uk

The Equality and Communities Division will ensure that your EQIA is published on the Scottish Government's website.