

## EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	<b>The Relevant Adjustments to Common Parts (Disabled Persons) (Scotland) Regulations</b>	
<b>Minister</b>	<b>Minister for Local Government, Housing and Planning</b>	
<b>Lead official</b>	<b>Angela O'Brien</b>	
<b>Officials involved in the EQIA</b>	<b>name</b>	<b>team</b>
	<b>Marian Deeney</b>	<b>Housing and Independent Living Team</b>
	<b>Dafni Dima</b>	<b>Housing and Regeneration Research Team</b>
<b>Directorate: Division: Team</b>	<b>Housing and Social Justice Directorate, Better Homes Division, Housing and Independent Living Team</b>	
<b>Is this new policy or revision to an existing policy?</b>	<b>New Regulations to support existing policy</b>	

### Screening

#### *Policy Aim*

1. Section 37 of the Equality Act 2010 provides that the Scottish Ministers may by regulations provide that a disabled person is entitled to make relevant adjustments to common parts in relation to premises in Scotland.
2. "Common parts" means, in relation to premises, the structure and exterior of, and any common facilities within or used in connection with, the building or part of a building which includes the premises but only in so far as the structure, exterior and common facilities are not solely owned by the owner of the premises.
3. "Relevant adjustments" means, in relation to a disabled person, alterations or additions which are likely to avoid a substantial

disadvantage to which the disabled person is put in using the common parts in comparison with persons who are not disabled.

4. Scottish Ministers have committed to introduce this legislation giving disabled people the right to make relevant adjustments to common parts.

***Who will it affect?***

The regulations will primarily benefit disabled people. Other groups of people, however, will be indirectly affected. These include family and carers, health and social care providers, housing organisations and local authorities.

***What might prevent the desired outcomes being achieved?***

The desired outcomes may be affected by the costs to an individual to carry out the necessary adjustments. Local authorities may provide grant funding of 80% or 100% but only if the adjustment is assessed, by a suitably qualified professional such as an occupational therapist, as necessary.

## **Stage 1: Framing**

### ***Results of framing exercise***

The EQIA confirmed that the introduction of the Relevant Adjustments to Common Parts Regulations is unlikely to have any significant detrimental effect on the basis of the protected characteristics.

With regard to eliminating unlawful discrimination, harassment and victimisation, there is no evidence to show that any individual is currently treated less favourably due to their protected characteristics. The introduction of the Relevant Adjustments to Common Parts regulations will not change this.

### ***Extent/Level of EQIA required***

We have concluded that no changes to the Regulations are necessary as a result of the EQIA, as they are intended to apply equally to all affected and appear to have no detrimental effect on the basis of the protected characteristics.

Officials, from Social Justice and Regeneration Division, determined that a separate Fairer Scotland Impact Assessment was not required as all the relevant points are covered within the EQIA. In addition, the effects of the Regulations are considered, overall, to be positive.

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic <sup>1</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<p><b>AGE</b></p>	<p><b><u>Age Demographics</u></b></p> <p>By 2023, there will be an additional 139,000 people over the age of 60 in Scotland than there was in 2018 (68,000 aged 60-74, and 71,000 75 years and over).</p> <p>Higher level of need for adaptations evidenced amongst older people – Strong evidence</p> <p>Over the next 25 years, there is a projected increase of 25% in the number of pensioners in Scotland, compared to an increase of just 1% in the number of people of working age.</p> <p><b><u>Housing tenure</u></b></p> <p>2017 72% of owned-outright properties were owned by households where the Highest Income Householder (HIH) was aged 60 and over. Homeowners recognised as the main tenure for older people.</p>	<p>Office for National Statistics (ONS) 2016 based populations at mid-years by age at last birthday.</p> <p>National Records of Scotland (NRS) Projected Population of Scotland (2016 – Based)</p> <p>SHS 2017</p>	<p>We consider that the available data provides sufficient information about this equality group.</p>

<sup>1</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

<b>DISABILITY</b>	38% of Scottish households have someone with a long term physical/mental health condition or illness.	SHS 2017	We consider that the available data provides sufficient information about this equality group.
<b>SEX</b>	There were slightly more women than men in Scotland in 2017. Female – 52% and male – 48% of the population	SHS 2017	We consider that the available data provides sufficient information about this equality group.
<b>PREGNANCY AND MATERNITY</b>	This characteristic is not well documented.		The regulations will benefit all groups and are not specifically relevant to this characteristic.
<b>GENDER REASSIGNMENT</b>	<p>A national survey of transgender people was carried out in summer 2007 by the Scottish Transgender Alliance to provide greater insight into the lives and concerns of transgender people. 25% of those surveyed stated that they had previously had to move out of their home (often ending up homeless) due to the transphobic reactions of their families, flatmates or neighbours.</p> <p>Of 542 participants, 19% reported having been homeless at some point, with 11% having been homeless more than once.</p>	Trans Mental Health Study 2012	The housing needs of gender reassignment people are not well documented. However, the Regulations will benefit all groups and are not specifically relevant to this characteristic.
<b>SEXUAL ORIENTATION</b>	There is still prejudice and discrimination against those who identify as LGBT & Other in society. In a context where some LGBT people will not have told	SSCQ 2017	The housing needs of LGBT & Other are not well documented.

	<p>friends and family about their sexual identity, there is a real question about the accuracy of the data in this case.</p> <p>Analysis of the SSCQ estimate should, therefore, not be treated as a definitive measure but does provide useful insight.</p> <p>The estimate shows that 3% identified as being LGBT &amp; Other</p>		<p>However, the Regulations will benefit all groups and are not specifically relevant to this characteristic.</p>
<b>RACE</b>	<p>The size of the minority ethnic population is approximately 197,000 or 5% of the population. The Asian population is the largest ethnic group with 3% and all other ethnic groups 2%.</p>	SSCQ 2017	<p>We consider that the available data provides sufficient information about this equality group.</p>
<b>RELIGION OR BELIEF</b>	<p>50% of the population reported 'no religion' and 50% belong to a religious group or denomination.</p>	SSCQ 2017	<p>We consider that the available data provides sufficient information about this equality group.</p>
<b>MARRIAGE AND CIVIL PARTNERSHIP</b> (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies	<p>Assessment not required.</p>		

and practices - refer  
to Definitions of  
Protected  
Characteristics  
document for details)

### Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

#### Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X			The Regulations will provide a right to adapt common parts of buildings, removing the possibility of victimisation or harassment of older people requiring adaptations
Advancing equality of opportunity	X			The Regulations will promote equality by ensuring older people's homes and attached common parts are suitable for their daily lives.
Promoting good relations among and between different age groups			X	The Regulations are intended for people of all ages.

#### Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination,	X			The Regulations will provide a right to adapt common parts of buildings, removing the



harassment and victimisation					possibility of victimisation or harassment of disabled people requiring adaptations
Advancing equality of opportunity	X				The Regulations will promote equality by ensuring disabled people's homes and attached common parts are suitable for their daily lives.
Promoting good relations among and between disabled and non-disabled people			X		The Regulations are intended for people who require adaptations.

**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	The Regulations apply equally to men and women.
Advancing equality of opportunity			X	The Regulations apply equally to men and women.
Promoting good relations between men and women			X	The Regulations apply equally to men and women.

**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	The Regulations will have neither a positive nor negative impact on women because of pregnancy and maternity as the terms apply equally to all people.
Advancing equality of opportunity			X	The Regulations will have neither a positive nor negative impact on women because of pregnancy and maternity as the terms apply equally to all people.
Promoting good relations			X	The Regulations will have neither a positive nor negative impact on women because of pregnancy and maternity as the terms apply equally to all people.

**Do you think your policy impacts on transsexual people?**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	X			While there is little available data for this characteristic, transsexual people will have equal rights to make adaptations.
Advancing equality of opportunity	X			While there is little available data for this characteristic, transsexual people will have equal rights to make adaptations.
Promoting good relations			X	There will be no positive or negative impact as the Regulations apply to all people equally.

**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	X			People's sexual orientation will not affect their right to make adaptations.
Advancing equality of opportunity	X			Under the Regulations all people will be treated equally.
Promoting good relations			X	The Regulations will not impact positively or negatively as they apply to all people.

**Do you think the policy impacts on people on the grounds of their race?**

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	X			The Regulations will apply to people of all races, eliminating any possible discrimination.
Advancing equality of opportunity	X			All people will be given equal opportunity to make adaptations.
Promoting good race relations			X	The Regulations will not impact positively or negatively as they apply to all people.

**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	A person's religion or belief need never be revealed.
Advancing equality of opportunity			X	A person's religion or belief need never be revealed.
Promoting good relations			X	A person's religion or belief need never be revealed.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership<sup>2</sup></b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination				No assessment is required for this characteristic.

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<sup>2</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

## Stage 4: Decision making and monitoring

### *Identifying and establishing any required mitigating action*

Have positive or negative impacts been identified for any of the equality groups?	Yes
Is the policy directly or indirectly discriminatory under the Equality Act 2010 <sup>3</sup> ?	No
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A
If not justified, what mitigating action will be undertaken?	N/A

### *Describing how Equality Impact analysis has shaped the policy making process*

- The EQIA process has confirmed the aim of the draft Regulations and ensured all characteristics have been considered.
- As a result of the EQIA, greater focus was placed on involving relevant internal and external stakeholders, Consequently there have been adjustments made to the draft to remove possible obstacles, such as the need to register the adaptation on title deeds.
- The EQIA has helped focus on the practical needs of people requiring adaptations rather than considering, mainly, the legal aspects.

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<sup>3</sup> See EQIA – Setting the Scene for further information on the legislation.

## ***Monitoring and Review***

The EQIA has identified positive impacts on people requiring adaptations to common parts. No negative impacts on specific equalities groups were identified in connection with these Regulations, and so no formal monitoring of equalities issues is proposed at Scottish Government level.

While no formal monitoring will be conducted, the Scottish Government will track the progress of the Regulations and their affects.

## **Stage 5 - Authorisation of EQIA**

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, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or 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 and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

## **Declaration**

**I am satisfied with the equality impact assessment that has been undertaken for the Relevant Adjustments to Common Parts (Disabled Persons) (Scotland) Regulations and give my authorisation for the results of this assessment to be published on the Scottish Government's website.**

**Name: David Signorini  
Position: Head of Better Homes  
Authorisation date: 8 July 2019**