

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	The Animal Welfare and Food Safety (International Professional Qualification Recognition Agreement Implementation) (Miscellaneous Amendment) (Scotland) Regulations 2023	
Minister	Minister for Energy and the Environment	
Lead official	Beverley Williams	
Officials involved in the EQIA	name	team
	Beverley Williams	Animal Welfare Team
Directorate: Division: Team	ARE: Animal Health and Welfare	
Is this new policy or revision to an existing policy?	Revision	

Screening

Policy Aim

The proposed instrument will amend the definition of “qualification certificate” in the Welfare of Animals at the Time of Killing Regulations 2012 (WATOK(S)) to include a qualification which has been recognised under Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 in relation to an operation specified in regulation 5 of WATOK(S). It will also make an amendment regarding Food Examiner qualifications listed in Schedule 2 of The Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013 ([link here](#)) to accommodate EEA-EFTA states derived qualifications. This will be achieved by adding those EEA-EFTA states to S2, Parts 1 and 2 so that the current definition of a “degree” includes qualifications from those states. These changes will ensure that Scotland is compliant with the UK-EEA EFTA FTA with regard to the mutual recognition of professional qualifications.

Who will it affect?

These changes to existing legislation are legally required ensure that Scotland is compliant with the UK-EEA EFTA FTA with regard to the mutual recognition of professional qualifications. While the wider FTA may have a greater impact by making it possible for people in various equality categories from the

countries involved in the UK-EEA EFTA FTA to apply to work in Scotland in a variety of professions, these regulations are only likely to impact a very low number of workers with existing qualifications in food safety and slaughter.

The regulations make it clear that workers from specified countries involved in the UK-EEA EFTA FTA can apply to work in Scotland in specified food safety and slaughter professions using their existing qualifications, where relevant and equivalent to Scottish qualifications, rather than having to re-train and take further exams.

What might prevent the desired outcomes being achieved?

None known

Stage 1: Framing

Results of framing exercise

No framing exercise was conducted as these changes are technical amendments required to remove conflict with the UK-EEA EFTA FTA signed by the UK Government. Mutual recognition of professional qualifications between the countries involved, including for food safety and slaughter, was put in place by the UK-EEA EFTA FTA. These regulations are removing potential conflict within domestic legislation with an already existing legal requirement put in place by the UK Government.

In theory, the wider policy of mutual recognition put in place by the UK-EEA EFTA FTA could allow more people from the affected countries to come to Scotland to work, including older and disabled workers who have existing qualifications and experience, but may not want to retrain or take new exams. However, potential impact in the areas of food safety and slaughter to which these regulations relate is low. The number of workers coming to Scotland from the countries affected is estimated by Food Standards Scotland at nil to very low.

Extent/Level of EQIA required

It is considered that only a light touch is required. The requirement for mutual recognition of professional qualifications between the countries involved has already been put in place by the UK-EEA EFTA FTA. The changes to domestic legislation on food safety and slaughter made by these regulations are technical amendments required to ensure that Scotland is complying with the existing legal requirements on mutual recognition of professional qualifications in the UK-EEA EFTA FTA. They are removing potential conflict within domestic legislation with an already existing legal requirement put in place by the UK Government.

While the wider FTA may have a greater impact by making it easier for people in various equality categories from the countries involved in the UK-EEA EFTA FTA to apply to work in Scotland in a variety of professions, these regulations are only likely to impact a very low number of workers with existing qualifications in food safety and slaughter. The mutual recognition of equivalent

professional qualifications in food safety and slaughter qualifications allows professionals from the countries involved in the FTA to work in these regulated professions in Scotland without having to re-train, including older and disabled workers who have existing qualifications and experience but may not want to retrain or take new exams. However, the number of workers coming to Scotland from the countries affected is estimated by Food Standards Scotland at nil to very low.

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.

Characteristic¹	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
AGE	None		
DISABILITY	None		
SEX	None		
PREGNANCY AND MATERNITY	None		
GENDER REASSIGNMENT	None		
SEXUAL ORIENTATION	None		
RACE	None		
RELIGION OR BELIEF	None		

¹ Refer to Definitions of Protected Characteristics document for information on the characteristics

<p>MARRIAGE AND CIVIL PARTNERSHIP (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)</p>	<p>None</p>		
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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			None	Not relevant.
Advancing equality of opportunity	Positive			Mutual recognition of qualifications may have a positive impact on older experienced workers from the countries affected, who may be reluctant to re-train. However, the legal requirement for mutual recognition has already been put in place by the UK-EEA EFTA FTA – these regulations are technical amendments removing conflict within current Scottish legislation.
Promoting good relations among and between different age groups			None	Making it easier for older experienced workers to come to Scotland to work in slaughter and food safety from the specific countries concerned could potentially increase the numbers of such workers, which would provide more opportunities to improve relations between different age groups within the working environment. However, the

					legal requirement for mutual recognition has already been put in place by the UK-EEA EFTA FTA – these regulations are technical amendments removing conflict within current Scottish legislation.
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Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			None	Not relevant
Advancing equality of opportunity	Positive			Mutual recognition of qualifications may have a positive impact on disabled experienced workers from the countries affected, who may find re-training difficult. However, the legal requirement for mutual recognition has already been put in place by the UK-EEA EFTA FTA – these regulations are technical amendments removing conflict within current Scottish legislation.
Promoting good relations among and between disabled and non-disabled people			None	Making it easier for experienced disabled workers to come to Scotland to work in slaughter and food safety from the specific countries concerned could potentially increase the numbers of such workers, which would provide more opportunities to improve relations between non-disabled and disabled workers within the working environment.

					However, the legal requirement for mutual recognition has already been put in place by the UK-EEA EFTA FTA – these regulations are technical amendments removing conflict within current Scottish legislation.
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Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	Not relevant
Advancing equality of opportunity			None	Not relevant
Promoting good relations between men and women			None	Not relevant

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

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	Not relevant
Advancing equality of opportunity			None	Not relevant

Promoting good relations			None	Not relevant

Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term ‘transsexual people’ but ‘trans people’ is more commonly used)

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	Not relevant
Advancing equality of opportunity			None	Not relevant
Promoting good relations			None	Not relevant

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

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	Not relevant
Advancing equality of opportunity			None	Not relevant

Promoting good relations			None	Not relevant
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Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	Not relevant
Advancing equality of opportunity	Positive			Mutual recognition of qualifications may have a positive impact on workers of any nationality who have obtained their qualifications from the countries affected. However, the legal requirement for mutual recognition has already been put in place by the UK-EEA EFTA FTA – these regulations are technical amendments removing conflict within current Scottish legislation.
Promoting good race relations	Positive			Making it easier for foreign nationals to come to Scotland to work in slaughter and food safety from the specific countries concerned could potentially increase the numbers of such workers, which would provide more opportunities to improve race relations within the working environment. However, the legal requirement for mutual recognition has already been put in place by the UK-EEA EFTA FTA – these regulations are

					technical amendments removing conflict within current Scottish legislation.
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Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	Not relevant
Advancing equality of opportunity			None	Not relevant
Promoting good relations			None	Not relevant

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

Marriage and Civil Partnership²	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	Not relevant

²

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

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

Have positive or negative impacts been identified for any of the equality groups?	Potential positive impacts around race, age and disability for a very low number of workers coming from the countries affected.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ³ ?	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

It had not shaped the policy making process. In theory, the wider policy of mutual recognition of professional qualifications with the countries affected could allow more people from those countries to come to Scotland to work, including older and disabled workers who may not wish to retrain. However, mutual recognition of professional qualifications between the countries involved has already been put in place by the UK-EEA EFTA FTA. These regulations are making

³ See EQIA – Setting the Scene for further information on the legislation.

technical amendments to domestic legislation on food safety and slaughter to remove potential conflict within domestic legislation with an already existing legal requirement put in place by the UK Government.

Going through the process of the EQIA has identified potentially positive impacts in advancing opportunity and promoting good relationships around race, age and disability. However, the actual impact of mutual recognition in the areas of food safety and slaughter to which these regulations relate is likely to be minimal as the number of workers coming to Scotland from the countries affected is estimated by Food Standards Scotland as nil to very low.

Monitoring and Review

No formal monitoring or review will be put in place. This is because the numbers of workers likely to be affected by these regulations are estimated at nil to very low, and the potential impacts of mutual recognition of professional qualifications around nationality, age or disability identified are a consequence of the UK-EEA EFTA FTA, not of the technical amendments to domestic legislation made by these regulations. However, should any issues around equality arise in future, these will be flagged to the Ministers concerned, who may wish to raise the matter with the UK Government so that they may consider if any changes are required to the UK-EEA EFTA FTA.

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.

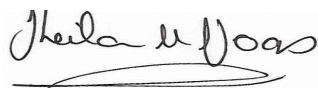
Yes No

- ◆ 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 Animal Welfare and Food Safety (International Professional Qualification Recognition Agreement Implementation) (Miscellaneous Amendment) (Scotland) Regulations 2023 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.



Signature:

Name: Sheila Voas

Position: Chief Veterinary Officer (Scotland)

Authorisation date: 31 October 2023