**EQUALITY IMPACT ASSESSMENT (EQIA):**

**SCREENING FORM**

Introduction to the EQIA screening process

A successful EQIA screening will look at 5 key areas:

1. **Identify the Policy, Project, Service Reform or Budget Option to be assessed**

A clear definition of what is being screened and its aims

1. **Gathering Evidence & Stakeholder Engagement**

Collect datato evidence the type of barriers people face to accessing services (research, consultations, complaintsand/or consult with equality groups)

1. **Assessment & Differential Impacts**

Reaching an informed decision on whether or not there is a differential impact on equality groups, and at what level

1. **Outcomes, Action & Public Reporting**

Develop an action plan to make changes where a negative impact has been assessed. Ensure that both the assessment outcomes and the actions taken to address negative impacts are publically reported

1. **Monitoring, Evaluation & Review**

Stating how you will monitor and evaluate the **Policy, Project, Service Reform or Budget Option** to ensure that you are continuing to achieve the expected outcomes for all groups.

**1. IDENTIFY THE POLICY, PROJECT, SERVICE REFORM OR BUDGET OPTION**:

1. Name of the Policy, Project, Service Reform or Budget Option to be screened

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| Licensing and Regulation of Sexual Entertainment Venues (“**SEVs**”) in Glasgow |

1. Reason for Change in Policy or Policy Development

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| Glasgow City Council is the licensing authority for the City of Glasgow in relation to a wide range of activities. The responsibility of licensing certain activities is delegated to the Licensing and Regulatory Committee (“the **Committee”**).  The Air Weapons and Licensing (Scotland) Act 2015 which came into force on 5 August 2015 provided for changes to be made to the Civic Government (Scotland) Act 1982 (“**1982 Act**”). Not all the changes to the 1982 Act were introduced immediately.  The Scottish Government brought into force The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No.9 and Transitional Provisions) Order 2019 which commences a change to the 1982 Act as to introduce a new discretionary licensing regime for SEVs. These changes came into effect on 26 April 2019.  The Committee on 24 March 2021 after undertaking a public consultation and holding a number of evidence sessions, as detailed in section 2 below, passed a resolution to licence SEVs in Glasgow with effect from 24 September 2022.  It should be noted that under the 1982 Act, where a resolution to licence SEVs is passed, then a SEV Policy Statement taking into account the licensing objectives of preventing public nuisance, crime and disorder, securing public safety, protecting children and young people from harm and reducing violence against women must be published at least 28 days before the coming into effect on the resolution. |

1. List main outcome focus and supporting activities of the Policy, Project, Service Reform or Budget Option

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| The main outcome is for the Committee to determine the content of the SEV Policy Statement including what the appropriate number of SEVs in each relevant locality should be and if grandfather rights should be given to those SEVs currently in existence at 24 March 2021, so the SEV Policy Statement can be published within the required timescale under the 1982 Act. |

1. Name of officer completing assessment (signed and date)

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| --- |
| Gillian McNaught 3.3.22 |

1. Assessment Verified by (signed and date)

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| Mairi Millar 3.3.22 |

# GATHERING EVIDENCE & STAKEHOLDER ENGAGEMENT

The best approach to find out if a policy, etc is likely to impact positively or negatively on equality groups is to look at existing research, previous consultation recommendations, studies or consult with representatives of those groups. You should list below any data, consultations (previous relevant or future planned), or any relevant research or analysis that supports the Policy, Project, Service Reform or Budget Option being undertaken.

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| Please name any research, data, consultation or studies referred to for this assessment: | Please state if this reference refers to one or more of the protected characteristics:   * age * disability, * race and/or ethnicity, * religion or belief (including lack of belief), * gender, * gender reassignment, * sexual orientation * marriage and civil partnership, * pregnancy and maternity, | Do you intend to set up your own consultation? If so, please list the main issues that you wish to address if the consultation is planned; or if consultation has been completed, please note the outcome(s) of consultation. |
| The Committee at its meeting on 17 April 2019 on the changes introduced by the 2015 Act referred to above, agreed to instruct the Director of Governance and Solicitor of the Council to carry out a public consultation and evidence gathering process in order to establish views on the following:   1. whether SEVs in Glasgow should be licensed; 2. if licensed, what the appropriate number of SEVs for Glasgow should be; and 3. if licensed, what should be included in a SEV policy statement.   The Committee meeting and the Minute to this meeting are attached below and can also be viewed using the following link: [www.glasgow.gov.uk/councillorsandcommittees/submissiondocuments.asp?submissionid=92785](http://www.glasgow.gov.uk/councillorsandcommittees/submissiondocuments.asp?submissionid=92785)    The Committee after its meeting on 17 April 2019 then undertook a public consultation on the licensing and regulation of SEVs in Glasgow from 31 May 2019 to 26 August 2019 (both dates inclusive). The consultation document can be viewed below:    The consultation document was available on the Council’s webpage for the full period of the consultation and a link to the consultation document was sent to the groups listed below, as consultees agreed by Committee at its meeting on 17 April 2019.   1. SEV operators 2. Neighbourhoods and Sustainability 3. Elected Members, 4. Community Councils 5. Adult Protection Committee 6. Child Protection Committee 7. Police Scotland 8. Scottish Fire and Rescue Service 9. NHS 10. Employees in SEVs (via letter to the Premises Manager to share with the employees) 11. Violence against Women Partnerships 12. GMB Sex Workers’ Union; 13. International Committee on the Rights of Sex Workers in Europe (ICRSE); 14. Sex Worker Advocacy and Resistance Movement (SWARM) Collective; 15. SCOT-PEP; 16. Umbrella Lane; and 17. Glasgow City Health and Social Care Partnership;   The Committee received 279 responses from the consultation.  The Committee at its meeting on 24 March 2021 agreed to pass a resolution to introduce a licensing regime for SEVs with effect from 24th September 2022, in terms of section 45B of the 1982 Act; that no decision be taken on the appropriate number of SEVs in the city centre and outwith the city centre at this time but that the matter be considered at a future meeting; and instructed the then Director of Governance and Solicitor to the Council to prepare a draft SEV Policy Statement(“**Policy Statement**”) for public consultation and to carry out an evidence gathering process on the said draft Policy Statement and to report back accordingly.  The Committee report and the Minute to this meeting can also be viewed using the following link: [www.glasgow.gov.uk/councillorsandcommittees/doDocumentSearchPublic.asp?selC=12&DateFrom=24%2F03%2F2021&DateTo=24%2F03%2F2021&optD=&txtKey=Enter+Keywords+Here&chkP=s&selO=DateDesc&selD=10&cmdSearch=Search&url=DocumentSearchPublic.asp](http://www.glasgow.gov.uk/councillorsandcommittees/doDocumentSearchPublic.asp?selC=12&DateFrom=24%2F03%2F2021&DateTo=24%2F03%2F2021&optD=&txtKey=Enter+Keywords+Here&chkP=s&selO=DateDesc&selD=10&cmdSearch=Search&url=DocumentSearchPublic.asp)  Following the decision of the Committee on 24 March 2021 to pass a resolution to licence SEVs in Glasgow, the Committee extensively considered and discussed the responses to the initial consultation and evidence sessions and prepared the draft Policy Statement for public consultation.    The consultation questionnaire was available on the Council’s webpage (draft SEV policy statement and questionnaire) for the full period of the consultation 18 June 2021 to 18 October 2021 (both dates inclusive) and a link to the consultation document was sent to the following groups/organisations:  Say Women;  Rape Crisis;  The Daisy Project;  Wise Women;  Scottish Women’s Convention;  United Voices of the World Union;  GMB Union;  Glasgow City Health and Social Care Partnership,  Glasgow Violence Against Women; and  Licensing Agents (who attended the evidence sessions in January 2020).  The questions asked can be viewed below:    The Committee received 167 responses to the consultation. | Yes, it refers to all of the above protected characteristics. | The Committee will undertake Evidence Sessions prior to making a decision on whether to licence SEVs in Glasgow. There will be several Evidence Sessions where groups will be invited (SEVs operators/SEV workers/ SEV Unions/ Charities/Community Councils/ members of the public/ Academics etc) and these sessions will take place prior to December 2019.  All individuals who submitted a response to the consultation will be invited to attend an evidence session.  **Post Evidence Sessions:**  The Committee carried out the following evidence sessions, each session lasting two hours, where they further explored the consultation response submitted from the organisation.  Monday 20 January (pm) 2020   * Glasgow & Clyde Rape Crisis; * Say Women; * Glasgow Violence Against Women Partnership; * Daisy Project; and * Standing Group on Violence Against Women.   Wednesday 22 January 2020 (am)   * Partick Community Council; * Glasgow City Health and Social Care Partnership; * Scottish Women’s Convention; and * A MSP   Wednesday 22 January 2020 (pm)   * Research Institutes/Sex Work Research Hub   Friday 24 January 2020 (am)   * Solicitors acting on behalf of lap dancing clubs in Glasgow; * Premises Managers from some of the lap dancing clubs in Glasgow; * Solicitor acting on behalf of the Association of Licensed Adult Entertainment Venues of Scotland; and * Police Scotland   Friday 24 January 2020 (pm)   * GMB Union; * United Voices of the World Trade Union; and * Dancers/Performers from some of the lap dancing clubs in Glasgow (invited by GMB and United Voices of the World Trade Union). |

# ASSESSMENT & DIFFERENTIAL IMPACTS

Use the table below to provide some **narrative** where you think the **Policy, Project, Service Reform or Budget Option** has either a positive impact (contributes to promoting equality or improving relations within an equality group) or a negative impact (could disadvantage them) and note the reason for the change in policy or the reason for policy development, based on the evidence you have collated.

| **Protected Characteristic** | **Specific Characteristics** | | **Positive Impact**  **(it could benefit an equality group)** | **Negative Impact –**  **(it could disadvantage an equality group)** | **Socio Economic /**  **Human Rights Impacts** |
| --- | --- | --- | --- | --- | --- |
| **SEX/ GENDER** | Women | | From the responses from individuals received to the initial consultation, who work in SEVs, it is evident that the majority of SEV workers are female. However, the policy statement consultation responses, as a result of it being an online consultation, and specific questions, it is not evident that the majority of SEVs workers are female. While the optional question in this consultation (best describes you) reflected that 66% of those who completed the survey were female there was no evidence to suggest that these females were all SEV workers. It can only be considered likely that they are, given the consultation relates directly to the regulation of SEVs in Glasgow.  If a SEV policy was introduced which set the appropriate number of SEVs in Glasgow at 0 (0 in each locality within the draft) but gave grandfather rights to those SEVs currently in existence as at the date the Committee passed a resolution to licence SEVs (24 March 2021) then it would ensure that those SEV female workers continue employment within Glasgow and receive an income to support themselves and any dependents who rely on that income to live.  The draft policy could potentially provide better working conditions for females as the SEV operator/licence holder will have to ensure the licence conditions are complied with, if/when attached to the licence. The SEV venue would be subject to monitoring/compliance by licensing officers and where there were concerns that a SEV licence holder was not complying with the terms of the licence, this could potentially be brought before the Committee. Also, if a member of the public or perfomer had any concerns with how the SEV was operating, these concerns could be reported to the Licensing Authority and investigated.  It should be noted that in the consultation response there were some comments that stated SEVs should not be allowed within Glasgow as these venues promote gender inequality and violence against women. In relation to gender inequality this was not raised as an issue from the 102/279 responses received from SEV workers in the initial consultation and in this consultation it has not been raised by the majority of the individuals who responded to the consultation. In relation to violence against women it should be noted that this was not raised as an issue or matter of concern from the majority of SEV workers who responded to the initial consultation, attended the evidence sessions. In relation to this policy statement consultation it should also be noted that 70% of those who disagreed with a part of the policy, was because they had the view that there was no link between SEVs and violence against women. | If the Committee determined to set the appropriate number of SEVs in the locality at zero, without grandfather rights being given to those SEVs currently in existence as at the date the committee agreed to pass a resolution to licence SEVs, this could have a negative impact on the majority of SEVs workers who the Committee understand from the initial consultation responses, are women, as the venues they currently work in may close. This could lead to unemployment which would not only impact on the worker but also any family members who are dependent upon their income. The Committee will recall from the evidence sessions which were held prior to it determining to licence SEVs, they were able to see and hear first hand that the majority of people working in SEVs, from the SEVs it is aware of in Glasgow, are female. The Committee heard first hand from SEV workers of the negative impact that it could have on these workers if the Committee determined to set the number of SEVs in Glasgow at zero with no grandfather rights. The SEVs workers who came to the evidence sessions had worked in SEVs premises for many years, with some having worked in SEVs premises for 13 years. They stated that a 0 limit, (without grandfather rights) could result in SEVs in Glasgow closing, it could result in current SEV workers turning to dangerous situations as they would have no similar work in a safe environment. They would perhaps carry out sexual entertainment in places that did not require a SEV licence (limit on number of occasions SEV is performed in a venue). They could be carrying out similar work in an unregulated environment. This would have a negative impact on current SEV workers as there would be less safety measures in place to protect them given there would be no direct regulation. Some SEVs workers stated they would travel elsewhere for work – Newcastle, Edinburgh which would have a negative impact on their family as they would have to stay away longer. The SEV workers who were present at these sessions, had young families and would be away from them longer. Some were also in further education and if they were required to travel further for work it could negatively impact on their studies. The committee is aware that in response to the question in the policy statement consultation regarding grandfather rights being given to those SEVs currently in existence as at the date the committee passed a resolution to licence SEVs, 88% of respondents to this question agreed with grandfather rights being given. This would mean these venues would not be met with the appropriate number ground of refusal when an SEV application is being considered by the committee. | **From the initial consultation and evidence sessions:**  Some responses to the initial consultation identified that a failure to protect individuals from violence (by working in a SEV) may breach Article 2 of ECHR (right to life), Article 3 (right to be free of inhumane and degrading treatment) and Article 4 (right to be free of slavery and servitude). Article 3 and 4 are absolute rights which cannot be limited however Article 2 has limited exceptions. From the responses received from SEV workers (102 out of 279 (36%)) none of them raised any concerns about receiving bad or degrading treatment at a SEV. The majority of SEV workers stated they enjoyed their work, many having worked in the same SEV for several years and felt safe working in SEVs.  The responses received which raised concerns about these Rights being contravened by allowing lapdancing to take place (which is one form of sexual entertainment under the 1982 Act), provided links to articles /strategies and definitions of “*violence against women*” which included lapdancing. Even if responses hadn’t raised these concerns, the Committee still has to take them into consideration when determining whether or not to licence SEVs and if so, what the appropriate number should be set at. At present, it is difficult for the Committee, despite the articles and responses submitted in support of these concerns, to evidence how these rights are being contravened as the responses received from SEV workers do not support these concerns.  Protocol 1 Article 1 (right to property) and Article 10 (freedom of expression) are also Rights which must be taken into consideration by the Committee when determining whether to licence SEVs. The SEV workers have a right of freedom of expression and property in relation to what they do with their bodies. Both these rights are not absolute and could be interfered with if the interference is necessary and proportionate (an example may be prevention of crime) and it must be justified in the public interest.  If the number of SEVs is set or if grandfather rights are given to allow SEVs currently in existence as at 24 March 2002, which would enable individuals to continue their employment, Protocol 1 Article 1 and Article 10 would not be interfered with.  The Committee must also have regard to the Public Sector Equality Duty in section 149 of the Equality Act 2010 when determining what would be the appropriate number of SEVs in each locality and whether to grant grandfather rights, within the Policy Statement. The Committee must take into account all responses received. The Committee must in particular consider the impact on gender equality. Whilst it is evident from the initial consultation responses received from SEV workers, that the majority of them are female, some responses received have been from SEV workers who are men or who are transgender.  It should be noted that 88% of respondents who answered the question in the policy consultation on grandfather rights, agreed with grandfather rights being given to those SEVs currently in existence as at 24 March 2021. Had the majority of respondents to this question been concerned about violence against women taking place in these venues, it is likely that they would have disagreed with these rights being given. In addition, it should be noted that for some questions within the policy (Committee’s approach to licensing objecting Reducing Violence against Women) 51% of respondents neither agreed or disagreed with the approach and 31% disagreed with it. In response to another question (Character of locality) it is likely this was because those respondents were of the view there was no link between SEVs and violence against women. From the question on Character of locality, 60% of the respondents disagreed with the use, with 70% of those who disagreed stating it was because in their view, there was no link between SEVs and violence against women (and this should be removed from the list relating to the consultation question). There has been no evidence presented to Committee to counter this.  It should also be noted that some comments were of the view that to licence SEVs and set the number at anything other than 0, with no grandfather rights, would be incompatible with the Council’s policy on Violence Against Women, the Scottish Government’s Equally Safe Strategy and ECHR. In addition, they were of the view SEVs are unlawful.  The Committee is aware that any decisions it makes under the 1982 Act, must be evidence based. It should be noted that the Scottish Government introduced legislation to allow Local Authorities to licence SEVs and set an appropriate number within each locality. Had SEVs been considered unlawful, the legislation to allow this would not have been introduced by the Scottish Government. |
|  | Men | | Although the majority of responses received to the initial consultation from SEVs workers were from women, a few men also work in the SEVs that the Committee has knowledge of.  Similar to that referred to above, the SEV Policy Statement consultation, as a result of it being online and specific questions asked, it is not evident from the responses the gender of SEV workers. The positives and negatives for men would be similar to those listed for women. |  |  |
|  | Transgender | | The responses to the initial consultation highlighted that some workers in SEVs are transgender. Similar to the above, the responses to the Policy Statement consultation did not make it clear the gender of respondents. The positives and negatives however, for transgender would be similar to those listed above for men and women. |  |  |
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| **RACE\*** | White | The ethnicity of individuals was not asked for in the consultation nor provided in the response. | | The ethnicity of individuals was not asked for in the consultation nor provided in the response. |  |
| *Further information on the breakdown below each of these headings, as per census, is available* [*here.*](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwij_q-kganSAhXEDsAKHZoeBgcQFggcMAA&url=https%3A%2F%2Fwww.ons.gov.uk%2Fons%2Fguide-method%2Fharmonisation%2Fprimary-set-of-harmonised-concepts-and-questions%2Fethnic-group.pdf&usg=AFQjCNFH-QwgZzHMg_lyyP4rhOqS2uZWjw)  *For example Asian includes Chinese, Pakistani and Indian etc* | Mixed or Multiple Ethnic Groups |  |
| Asian |  |
| African |  |
| Caribbean or Black |  |
| Other Ethnic Group |  |
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| **DISABILITY** | Physical disability | Individuals were not asked to provide details to the Committee about whether they had any disability when responding to the consultation. | | Individuals were not asked to provide details to the Committee about whether they had any disability when responding to the consultation. |  |
| *A definition of disability under the Equality Act 2010 is available* [*here.*](https://www.gov.uk/definition-of-disability-under-equality-act-2010) | Sensory Impairment  (sight, hearing, ) |  |
| Mental Health |  |
| Learning Disability |  |
| **LGBT** | Lesbians |  | |  |  |
|  | Gay Men |  | |  |  |
|  | Bisexual |  | |  |  |
|  | | | | | |
| **AGE** | Older People (60 +) | While ages, marriage, religion and pregnancy were not asked for as part of the consultation nor provided in any consultation response, the Committee is aware that if it were to set an appropriate number of SEVs for the locality at 0 but give grandfather rights to those SEVs currently in existence as at 24 March 2021, this would ensure that SEV workers retain their employment in these venues and continue to receive an income. This would mean that any dependents they may have (whether children/partners/parents/grandparents) would not be adversely affected by the loss of the income. | | While ages, marriage, religion and pregnancy were not asked for as part of the consultation nor provided in any consultation response, the Committee is aware that if it were to set the appropriate number of SEVs for the locality to zero, without grandfather rights, this could result in a loss of income for SEV workers. This could negatively impact on any dependents (whether children, partners/parents/grandparents) who rely on that income. |  |
|  | Younger People (16-25) |  |
|  | Children (0-16) |  |
|  | | | | | |
| **MARRIAGE**  **& CIVIL PARTNERSHIP** | Women | This was not asked about in the consultation and was not raised in any responses. Please see comments regarding SEV workers being married in “female” section above. | |  |  |
|  | Men |  |
|  | Lesbians |  |
|  | Gay Men |  |
|  | | | | | |
| **PREGNANCY & MATERNITY** | Women | This was not asked about in the consultation was not raised in any responses. | |  |  |
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| **RELIGION & BELIEF**\*\*  A list of religions used in the census is available [here.](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwi0tbauhqnSAhVkDMAKHRrOBtAQFggkMAE&url=https%3A%2F%2Fwww.ons.gov.uk%2Fons%2Fguide-method%2Fharmonisation%2Fsecondary-set-of-harmonised-concepts-and-questions%2Fnational-and-religious-identity.pdf&usg=AFQjCNEq3xYwRxcbtwe3qqtyFgstlLd1WQ&bvm=bv.148073327,d.ZGg) | See note | This was not asked about in the consultation was not raised in any responses. | |  |  |

\* For reasons of brevity race is not an exhaustive list, and therefore please feel free to augment the list above where appropriate; to reflect the complexity of other racial identities.

\*\* There are too many faith groups to provide a list, therefore, please input the faith group e.g. Muslims, Buddhists, Jews, Christians, Hindus, etc. Consider the different faith groups individually when considering positive or negative impacts. A list of religions used in the census is available [here.](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwi0tbauhqnSAhVkDMAKHRrOBtAQFggkMAE&url=https%3A%2F%2Fwww.ons.gov.uk%2Fons%2Fguide-method%2Fharmonisation%2Fsecondary-set-of-harmonised-concepts-and-questions%2Fnational-and-religious-identity.pdf&usg=AFQjCNEq3xYwRxcbtwe3qqtyFgstlLd1WQ&bvm=bv.148073327,d.ZGg)

Summary of Protected Characteristics Most Impacted

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| All protected characteristics would be impacted by the SEV policy. At present the Committee is aware from responses received to the initial consultation that the majority of individuals who work in SEVs are female and therefore women would be most likely to be impacted by the SEV Policy, particularly the appropriate number of SEVs in each locality and whether grandfather rights are to be given to those SEVs currently in existence as at the date the Committee passed a resolution to licence SEVs (24 March 2021). |

Summary of Socio Economic Impacts

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| Depending on what the appropriate number of SEVs for the locality, it could potentially lead to a loss of employment and income for individuals who work in SEVs. If grandfather rights are agreed then there would potentially be no loss of employment or income for individuals who work in SEVs. |

Summary of Human Rights Impacts

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| Potentially, depending on the appropriate number, the following Human Rights could be impacted  Protocol 1 Article 1 (Right to Property), Article 3 could be impacted (Right to be free of inhumane and degrading treatment)  and Article 10 (Freedom of Expression). |

# OUTCOMES, ACTION & PUBLIC REPORTING

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| --- | --- |
| **Screening Outcome** | **Yes /No**  **Or /**  **Not At This Stage** |
| **Was a significant level of negative impact arising from the project, policy or strategy identified?** | Not at this stage |
| **Does the project, policy or strategy require to be amended to have a positive impact?** | Not at this stage |
| **Does a Full Impact Assessment need to be undertaken?** | A detailed impact assessment has been completed. |

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| **Actions: Next Steps**  (i.e. is there a strategic group that can monitor any future actions) | | |
| **Further Action Required/ Action To Be Undertaken** | **Lead Officer and/or**  **Lead Strategic Group** | **Timescale for Resolution of Negative Impact (s) / Delivery of Positive Impact (s)** |
| If the SEV Policy is agreed, the EQIA could be reviewed within 12 months of licences being granted, if any are granted, to assess how the policy is being applied in practice. | Gillian McNaught | August/September 2023. |

**Public Reporting**

All completed EQIA Screenings are required to be publically available on the [Council EQIA Webpage](https://www.glasgow.gov.uk/index.aspx?articleid=17533) once they have been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. (See [EQIA Guidance](https://www.glasgow.gov.uk/index.aspx?articleid=17533): Pgs. 11-12)

# MONITORING OUTCOMES, EVALUATION & REVIEW

The Equalities Impact Assessment (EQIA) screening is not an end in itself but the start of a continuous monitoring and review process. The relevant Strategic, Policy, or Operational Group responsible for the delivery of the Policy, Project, Service Reform or Budget Option, is also responsible for monitoring and reviewing the EQIA Screening and any actions that may have been take to mitigate impacts.

Individual services are responsible for conducting the impact assessment for their area, staff from **Corporate Strategic Policy and Planning** will be available to provide support and guidance.

## Legislation

**Equality Act (2010) - the Equality Act 2010 (Specific Duties) Scotland Regulations 2012**

# The 2010 Act consolidated previous equalities legislation to protect people from discrimination on grounds of:

* race
* sex
* being a transsexual person (transsexuality is where someone has changed, is changing or has proposed changing their sex – called ‘gender reassignment’ in law)
* sexual orientation (whether being lesbian, gay, bisexual or heterosexual)
* disability (or because of something connected with their disability)
* religion or belief
* having just had a baby or being pregnant
* being married or in a civil partnership, and
* age.

Further information: [Equality Act Guidance](https://www.gov.uk/equality-act-2010-guidance)

As noted the Equality Act 2010 simplifies the current laws and puts them all together in one piece of legislation. In addition the **Specific Duties (Scotland Regulations 2012)** require local authorities to do the following to enable better performance of the general equality duty:

* report progress on mainstreaming the general equality duty
* publish equality outcomes and report progress in meeting those
* impact assess new or revised policies and practices as well as making arrangements to review existing policies and practices  
  gather, use and publish employee information
* publish gender pay gap information and an equal pay statement
* consider adding equality award criteria and contract conditions in public procurement exercises.

Further information: [Understanding Scottish Specific Public Sector Equality Duties](http://www.equalityhumanrights.com/about-us/devolved-authorities/the-commission-in-scotland/legal-news-in-about-us/devolved-authorities/the-commission-in-scotland/articles/understanding-the-scottish-specific-public-sector-equality-duties)

**Fairer Scotland Duty**

Authorities should also consider Socio-Economic Impacts where appropriate. Further information: [Fairer Scotland Duty Interim Guidance](https://www.gov.scot/binaries/content/documents/govscot/publications/guidance/2018/03/fairer-scotland-duty-interim-guidance-public-bodies/documents/00533417-pdf/00533417-pdf/govscot%3Adocument)

**Enforcement**  
Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty.  Only the EHRC can enforce the specific duties.   A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.