

Practical Fire Safety Guidance for Existing Premises with Sleeping Accommodation

Equality Impact Assessment (EQIA)

June 2018



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EQUALITY IMPACT ASSESSMENT RECORD

| | | |
|--|--|----------------------|
| Title of policy/ practice/ strategy/ legislation etc. | Practical Fire Safety Guidance for Existing Premises with Sleeping Accommodation | |
| Minister | Minister for Community Safety and Legal Affairs | |
| Lead official | Tom Hardy | |
| Officials involved in the EQIA | name | team |
| | Linda White | Fire and Rescue Unit |
| Directorate: Division: Team | Safer Communities Directorate: Safer Communities Division: Fire and Rescue Unit | |
| Is this new policy or revision to an existing policy? | Revision and consolidation of existing guidance | |

Screening

Policy Aim

The guidance offers fire safety advice in respect of certain existing premises with sleeping accommodation for those with responsibility for fire safety in such premises under the terms of the Fire (Scotland) Act 2005. The guidance consolidates and supersedes a number of existing individual Scottish Government guides. It does not seek to impose major new standards, nor is it intended to impose more onerous benchmarks.

The guidance does not prescribe any particular measures to be put in place and, whilst it may make recommendations which have financial impacts on businesses, these are not new and they are advisory, not statutory.

Improving the accessibility of the guidance will provide owners with more clarity on their responsibilities, which should in turn lead to the guidance being followed more consistently.

Following publication of this guidance it would continue to remain unlawful for owners to discriminate against people with protected characteristics.

Three national outcomes in particular underpin the aims of the guidance:

- **We live longer, healthier lives** (National Outcome 8):
- **We live our lives safe from crime, disorder and danger** (National Outcome 9);
- **We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others** (National Outcome 11).

Who will it affect?

A number of different persons and groups are affected including:

- Persons who are dutyholders in respect of the Fire (Scotland) Act 2005 for existing premises with sleeping accommodation, who may use this guidance to assist them in understanding and carrying out their responsibilities.
- Persons who are employees or contractors and volunteers who may be working on site who may have responsibilities under the guidance.
- Persons who are residing in the premises, either short or long term, who may benefit from improved guidance being available for those responsible for ensuring their safety from fire.
- The Scottish Fire and Rescue Service and other enforcing authorities, who use the guides to assist with assessing the appropriateness of fire safety measures within these premises.
- Regulatory authorities such as the HSE.

What might prevent the desired outcomes being achieved?

Desired outcomes should be achievable unless there is, for example, a lack of funding for dutyholders or they are not made aware of their responsibilities and this guidance.

Stage 1: Framing

Results of framing exercise

As the intention is to improve existing guidance and to clarify, but not alter, policy, it is not considered necessary to gather detailed evidence. This applies across the protected characteristics.

Extent/Level of EQIA required

As noted above, the intention is to improve existing guidance and to clarify, but not alter, policy. A minimal EQIA exercise is therefore relevant and external engagement has been limited, involving only the HM Fire Service Inspectorate and the Scottish Fire and Rescue Service.

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 | N/A | | |
| DISABILITY | N/A | | |
| SEX | N/A | | |
| PREGNANCY AND MATERNITY | N/A | | |
| GENDER REASSIGNMENT | N/A | | |
| SEXUAL ORIENTATION | N/A | | |
| RACE | N/A | | |
| RELIGION OR BELIEF | N/A | | |
| MARRIAGE AND CIVIL PARTNERSHIP | N/A | | |

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

| | | | |
|--|--|--|--|
| <p>(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> | | | |
|--|--|--|--|

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 | | | Guidance requires that “in considering staff, guests, residents and visitors, any disability and associated difficulty should be identified. Any special assistance required in terms of personal evacuation needs can be identified when guests first register, residents are first accommodated or tenants take up a tenancy”. This is not a new requirement but it should assist and enhance the safety of older people, for example with mobility problems, and children. |
| Advancing equality of opportunity | x | | | As above. |
| Promoting good relations among and between different age groups | | | x | |

Do you think that the policy impacts disabled people?

| Disability | Positive | Negative | None | Reasons for your decision |
|---|-----------------|-----------------|-------------|--|
| Eliminating unlawful discrimination, harassment and victimisation | x | | | Guidance requires that “in considering staff, guests, residents and visitors, any disability and associated difficulty should be identified. Any special assistance required in terms of personal evacuation needs can be identified when guests first register, residents are first accommodated or tenants take up a tenancy”. This is not a new requirement but it should assist and enhance the safety of people with disabilities, for example mobility problems. |
| Advancing equality of opportunity | x | | | As above |
| Promoting good relations among and between disabled and non-disabled people | | | x | |

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 | | | x | Fire safety is relevant to everyone, regardless of sex. |
| Advancing equality of opportunity | | | x | |
| Promoting good relations between men and women | | | x | |

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 | x | | | Guidance requires that “in considering staff, guests, residents and visitors, any disability and associated difficulty should be identified. Any special assistance required in terms of personal evacuation needs can be identified when guests first register, residents are first accommodated or tenants take up a tenancy”. This is not a new requirement but it should assist and enhance the safety of people with mobility problems including those who are pregnant. |
| Advancing equality of opportunity | x | | | As above |
| Promoting good relations | | | x | |

Do you think your policy impacts on transsexual people?

| Gender reassignment | Positive | Negative | None | Reasons for your decision |
|-------------------------------------|-----------------|-----------------|-------------|--|
| Eliminating unlawful discrimination | | | x | Fire safety is relevant to everyone, regardless of gender. |
| Advancing equality of opportunity | | | x | |
| Promoting good relations | | | x | |

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 | | | x | Fire safety is relevant to everyone, regardless of sexual orientation. |
| Advancing equality of opportunity | | | x | |
| Promoting good relations | | | x | |

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 | | | x | Fire safety is relevant to everyone, regardless of race. |
| Advancing equality of opportunity | | | x | |
| Promoting good race relations | | | x | |

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 | | | x | Fire safety is relevant to everyone, regardless of religion or belief. |
| Advancing equality of opportunity | | | x | |
| Promoting good relations | | | x | |

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 | | | x | Fire safety is relevant to everyone, regardless of marital status. |

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

| | |
|---|---|
| Have positive or negative impacts been identified for any of the equality groups? | Positive impacts have been identified, as above. There are no negative impacts. |
| 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? | Not applicable |
| If not justified, what mitigating action will be undertaken? | Not applicable |

Describing how Equality Impact analysis has shaped the policy making process

This is not a new policy but the revision and consolidation of existing guidance. No changes have been made to the policy as a result of the impact analysis as none were considered necessary. No cost or resource implications have arisen as a result of the EQIA. No further policy work is planned.

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

Monitoring and Review

Progress on equality issues identified in the EQIA will be monitored alongside regular evaluation of the operation of the guidance. This is achieved primarily through the work of the Scottish Fire and Rescue Service which uses the guidance to assist with assessing the appropriateness of fire safety measures within existing premises with sleeping accommodation.

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

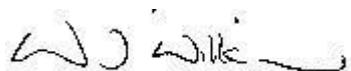
Not applicable

Declaration:

I am satisfied with the equality impact assessment that has been undertaken for the Practical Fire Safety Guidance for Existing Premises with Sleeping Accommodation. Thirty-seven responses were received to the consultation. There are no changes to this document as a result of the responses.

I give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name:

A handwritten signature in black ink, appearing to read 'W. J. White', is written over a faint, light-colored rectangular stamp or watermark.

Position: Deputy Director

Authorisation date: 15 May 2018



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