

Aquaculture and Fisheries (Scotland) Bill - Equality Impact Assessment

Marine Scotland Response

EQUALITY IMPACT ASSESSMENT IS REQUIRED

Policy title	Aquaculture and Fisheries (Scotland) Bill – introduction of statutory carcass tagging for salmon
Which national outcome(s) does the policy contribute to?	We value and enjoy our built and natural environment and protect it and enhance it for future generations.
What is the purpose of the policy (or changes which are to be made to the policy)?	<p>The purpose of the policy is to enhance the traceability of salmon by ensuring that a tag with information on the fish is attached to the carcasses of salmon as soon as possible after the fish is caught, in support of the existing legislative framework which bans the sale of rod caught fish.</p> <p>A voluntary tagging scheme is currently in operation but it does not cover all fisheries.</p>
Name of Branch or Division	Performance, Aquaculture and Recreational Fisheries Division, Salmon and Recreational Fisheries Branch
Directorate or Agency	Marine Scotland
Lead EQIA official	Catriona Graham

STEP ONE - Describe the assessment process and its scope

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).

Identify the “pool of people” affected by the proposals and their characteristics.

Identify those groups of people affected positively and negatively.

The proposal involves taking an enabling power to make regulations, which are yet to be drafted. Angling and commercial fishery stakeholder groups will be consulted on any equality issues before finalising the regulations.

People with dexterity issues could potentially have a problem tagging fish. Angling stakeholder groups will be consulted regarding this.

It is anticipated that stakeholders such as the Salmon Net Fishermens Association of Scotland and Association of Salmon Fishery Boards will be consulted with a view to determining the nature and extent of any disability which could be affected by the introduction of statutory carcass tagging. The Environment Agency in England will also be contacted for information on any equality issues associated with the introduction of a statutory carcass tagging scheme in 2009.

The pool of people affected by the proposals is likely to be very limited – the nature of salmon netting is such that anyone with a significant disability would not be able to physically do this work. It is possible that someone with a learning disability could be employed on shore and could potentially be asked to carcass tag because it is likely that the tagging would not be done in the boat but on shore. It is possible that someone with manual dexterity problems such as a missing finger or arthritis would be impacted but again this type of problem would in all likelihood preclude them from employment in the netting industry.

Tagging of rod caught fish could potentially involve anglers with some manual dexterity problems or physical disability having problems tagging fish and also anglers with a learning disability.

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

You have now identified those affected by the proposal and the characteristics of this wider pool of people, identifying those people affected positively and negatively by the proposal. At Step 2 you will now gather relevant evidence of these impacts on persons who share relevant characteristics. Look at how these impacts differ to the wider pool of people for whom the policy is targeted.

The Specific Duties means that we **MUST** consider relevant evidence relating to people with the protected characteristics, including evidence and information received from people with those protected characteristics. This means that we must be able to demonstrate how we have gathered and considered relevant equality evidence in relation to our policy development and how it might impact – both positively and negatively on equality groups.

AGE

1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of people in different age groups? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

Evidence will be taken from various stakeholder groups during the process of drafting the regulations.

2) Effects / Impacts

Describe how your policy may affect people of different ages, and respond to their different needs. Describe any:

- a) positive effects and ways by which your policy helps respond to different needs, promote equality, and helps foster good relations¹
- b) negative effects² including, in relation to the first need, whether anyone is treated less favourably because of age or whether people who share an age group are put at a particular disadvantage compared to people who do not share that age group

¹ Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e. eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

² Refer to the EQIA guidance for more information on potential negative effects.

Older people are more likely to have dexterity problems.

DISABILITY³

1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of disabled people? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

ASFB and Salmon Net Fishing Association of Scotland will be consulted along with other angling stakeholder groups during the drafting of the regulations.

2) Effects / Impacts

Describe how your policy may affect disabled people, and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs, promote equality, and foster good relations⁴
- b) negative effects⁵ including whether anyone is treated less favourably because of disability (or unfavourably because of something arising in consequence of that disability) and whether people who share a disability are put at a particular disadvantage compared to people who do not share that disability

There are possible negative effects because the requirement to tag may be a physical requirement which the elderly or disabled would find more difficult than younger or non disabled people.

GENDER, INCLUDING PREGNANCY AND MATERNITY

1) Evidence

³ The definition of disability is broad and includes people with physical impairments, sensory impairments and mental impairments.

⁴ Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

⁵ Refer to the EQIA guidance for more information on potential negative effects.

In relation to your policy, what does the evidence tell you about the different needs and experiences of women and men? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

N/A

2) Effects / Impacts

Describe how your policy may affect women and men and respond to their different needs. Describe any:

- c) positive effects & ways by which your policy helps respond to different needs, promote equality, and foster good relations⁶
- d) negative effects⁷ including whether anyone is treated less favourably because of gender (including pregnancy and maternity) and whether men or women are put at a particular disadvantage compared to the opposite sex

No anticipated impact.

⁶ Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

⁷ Refer to the EQIA guidance for more information on potential negative effects.

GENDER REASSIGNMENT⁸

1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of different people in respect of gender identity/transgender people? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

N/A

2) Effects / Impacts

Describe how your policy may affect different people in relation to gender identity and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs, promote equality, and foster good relations⁹
- b) negative effects¹⁰ including whether anyone is treated less favourably because of gender reassignment and whether transsexual people are put at a particular disadvantage compared to people who are not transsexual

No anticipated impact.

⁸ The characteristic of gender reassignment applies to a person who proposes, starts or completes a process to change his or her sex. A transsexual person has the protected characteristic of gender reassignment. (Please refer to the EQIA Guidance for a further definition of these terms).

⁹ Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

¹⁰ Refer to the EQIA guidance for more information on potential negative effects.

SEXUAL ORIENTATION

1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of people in respect of sexual orientation (lesbian, gay, bisexual)? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

N/A

2) Effects / Impacts

Describe how your policy may affect people on relation to their sexual orientation and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs, promote equality, and foster good relations¹¹
- b) negative effects¹² including whether anyone is treated less favourably because of sexual orientation and whether people who are either gay or lesbian, heterosexual or bisexual are put at a particular disadvantage compared to people who do not have that particular sexual orientation

No anticipated impact.

¹¹ Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

¹² Refer to the EQIA guidance for more information on potential negative effects.

RACE¹³

1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of people from different racial and ethnic groups?¹⁴ Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

N/A

2) Effects / Impacts

Describe how your policy may affect people of different races and ethnicities and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs, promote equality, and foster good relations¹⁵
- b) negative effects¹⁶ including whether anyone is treated less favourably because of race and whether people who share a particular racial group are put at a particular disadvantage compared to people who are not of the same racial group

No anticipated impact.

¹³ The definition of race includes colour, nationality and ethnic or national origin.

¹⁴ This includes Gypsies/Travellers

¹⁵ Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

¹⁶ Refer to the EQIA guidance for more information on potential negative effects.

RELIGION AND BELIEF

1) Evidence

In relation to your policy, what does the evidence tell you about the needs and experiences of people in grouping respect of their religion and belief? Include:

- a) evidence from research & statistics
- b) evidence from consultation & engagement

N/A

2) Effects / Impacts

Describe how your policy may affect people in relation to their religion and belief, and respond to their different needs. Describe any:

- a) positive effects & ways by which your policy helps respond to different needs, promote equality, and foster good relations¹⁷
- b) negative effects¹⁸ including whether anyone is treated less favourably because of (or a lack of) religion or belief and whether people who share a particular religion or belief are put at a particular disadvantage compared to people who do not share it

No anticipated impact.

¹⁷ Refer to the EQIA guidance (Step two) for more information on positive effects and promoting equality (i.e: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations).

¹⁸ Refer to the EQIA guidance for more information on potential negative effects.

STEP THREE – Shape your policy as required to ensure that it fulfils the needs of the equality duty

a) Describe any additional action which has been/will be taken in response to the conclusions reached at step two of this EQIA. Here you need to demonstrate how the evidence you have gathered has helped shape and inform your policy. You should demonstrate how, in the development of the policy and in deciding whether to apply the policy, you have appropriately considered (had due regard to) the need to:

- eliminate discrimination, harassment, victimisation and other conduct that is prohibited under the Equality Act 2010,
- advance equality of opportunity between persons who share a relevant protected characteristic and those who don't share it,
- foster good relations between persons who share a relevant protected characteristic and those who don't share it.

In particular, where the conclusions reached at step two indicate that one or more groups of people who share a protected characteristic are put at a particular disadvantage, you must include an assessment of whether this is a proportionate means of achieving a legitimate aim.

The number of people affected in respect of disability or age or both is likely to be very few.
More rod and line anglers could be affected by the requirement to carcass tag in respect of age/disability as the nature of the netting industry is unlikely to employ significant numbers of disabled people or elderly people who would be unlikely to be physically fit enough to carry out salmon netting.

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

This will depend on the details of the scheme – this can only be assessed when the regulations are drafted.

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

Unlikely to have an effect on resourcing.

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?

No impact on costs.

STEP FOUR – Review and/or Monitoring

Describe how you will review and/or monitor and/or evaluate the effect of your policy and in particular the impact on equality.

The effect of the proposal on age and disability will be assessed by ongoing stakeholder engagement with the various angling and commercial fishery organisations.

STEP FIVE – Prepare a Summary

Prepare a summary using the summary template at **Annex A** below.

This can also be added as an annex to any relevant Ministerial submissions, helping ensure that the Scottish Ministers, in the exercise of their functions, have had due regard to the needs mentioned in section 149(1) of the Equality Act 2010.

STEP SIX - Authorisation and Publication

Your EQIA will need to signed off by your Deputy Director (or equivalent).

Before signing off the EQIA, a Deputy Director should ensure that she/he is satisfied that the equality impact assessment is robust, has addressed all the relevant equality issues and that appropriate actions have been taken. Opportunities to promote equality in respect of age, gender, disability, race, religion/belief, sexual orientation and gender identity/transgender people should have been considered.

By signing off the EQIA, the Deputy Director is confirming that the impact of applying the policy has been sufficiently assessed against the needs of the equality duty:

- eliminating conduct prohibited by the Equality Act 2010, including:
 - direct discrimination
 - indirect discrimination
 - harassment
 - victimisation

- advancing equality of opportunity, including by:
 - removing or minimising any barriers or disadvantages
 - taking steps which assist in promoting equality and meeting people's different needs
 - encouraging participation (e.g. in public life)

- fostering good relations, including by:
 - tackling prejudice
 - promoting understanding

The Specific Duties place a requirement on us to publish, within a reasonable period, the results of the equality impact assessment. Once completed the Summary template document should be sent to APS for conversion as a **fully accessible** document.

Once converted, please send the Summary to the Equality Unit for publication. The full assessment must be stored by the lead policy official on Objective as a corporate record and made available should any stakeholder or member of the public request it.

EQUALITY IMPACT ASSESSMENT SIGN OFF

Policy title	Aquaculture and Fisheries (Scotland) Bill – introduction of statutory carcass tagging for salmon
Which national outcome(s) does the policy contribute to?	We value and enjoy our built and natural environment and protect it and enhance it for future generations.
What is the purpose of the policy (or changes which are to be made to the policy)?	The purpose of the policy is to enhance the traceability of salmon by ensuring that a tag with information on the fishery is attached to the carcasses of salmon as soon as possible after the fish is caught and to improve voluntary compliance with the existing legislative framework including the ban on the sale of rod caught fish.
Name of Branch or Division	Performance, Aquaculture and Recreational Fisheries Division, Salmon and Recreational Fisheries Branch
Directorate or Agency	Directorate for Marine Scotland
Lead EQIA official	Catriona Graham

I confirm that the impact of applying the policy has been sufficiently assessed against the needs of the equality duty:

Name and job title of a Deputy Director or equivalent Willie Cowan Head of Performance, Aquaculture and Recreational Fisheries	Date authorisation given 3/10/12
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Once signed off, you MUST file and store this EQIA on eRDM as a corporate record.

Annex A

EQUALITY IMPACT ASSESSMENT – SUMMARY

Directorate: Division: team	Marine Scotland, Performance, Aquaculture and Recreational Fisheries Division, Salmon and Recreational Fisheries
Title of Policy	Introduction of statutory carcass tagging for salmon
Date of completion of EQIA	1 October 2012

Background

- ◆ The aim of the policy is to enhance the traceability of salmon and improve voluntary compliance with the existing legislative framework including the ban on the sale of rod caught fish.
- ◆ Salmon netsmen already operate a voluntary carcass tagging scheme which covers 90% of the fish caught by members of the Salmon Netsmans Association of Scotland. There is already a ban on the sale of rod caught fish.
- ◆ Angling and netting stakeholder groups will be consulted.

Key Findings

- People affected are likely to be the elderly and those with manual dexterity issues.

Action to be Taken

This should:

- ◆ Consult with angling and netting stakeholder groups

Conclusion

- A further EQIA will be carried out during the process of drafting the regulations but impact likely on limited numbers of elderly/disabled people.



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ISBN: 978-1-78256-149-1 (web only)

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Produced for the Scottish Government by APS Group Scotland
DPPAS13466 (10/12)

Published by the Scottish Government, October 2012

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