

FAIRER SCOTLAND DUTY - ASSESSMENT TEMPLATE

This Fairer Scotland Assessment Template should be used in conjunction with the [interim guidance published on the Scottish Government website](#). The guidance provides a glossary of key terms, web links to useful resources, and further advice.

Title of policy/ practice/ strategy/ legislation etc.	Review of Island Communities Impact Assessments Decisions (Scotland) Regulations under Section 9 of the Islands (Scotland) Act 2018
Lead Minister	Mr Paul Wheelhouse, Minister for Energy Connectivity and the Islands
Lead official	Paul Maxton
Directorate	Directorate for Agriculture and Rural Economy (D:ARE)
Division	Rural Economy and Communities Division.
Team	Rural and Island Communities Team

STAGE 1 – PLANNING

This first stage is an introductory one.

The initial question to ask is: **Is this a strategic programme / proposal / decision or not?**

- If it is not strategic, there is no formal requirement for a Fairer Scotland Assessment.
- If you think this decision not to conduct an assessment may be subject to challenge at some future point, you should complete the [Assessment Not Required template](#) and store it in your local eRDM folder.
- If the programme/proposal/decision is strategic, but has no implications for inequalities, you should complete the same template.
- In both cases, it will be important that the decision not to conduct an assessment is signed off by a Deputy Director or more senior colleague.
- If you're in doubt about whether an assessment should be carried out or not, we'd advise you to do so. It's good practice to think about socio-economic factors and reducing inequalities in all policy-making.

If you decide an assessment will be needed, please begin the assessment process by answering the questions below.

Please answer the questions below to help with your planning.

1. What is the aim of your policy/strategy/plan?

The proposal provides a mechanism for the review of decisions by public authorities related to island communities impact assessments.

The policy objective is the empowerment of island communities.

The National Outcomes that the proposal contributes to are:

Communities: We live in communities that are inclusive, empowered, resilient and safe; and

Human Rights: We respect, protect and fulfil human rights and live free from discrimination.

Who will it affect (particular groups/businesses/geographies etc)?

The proposal will affect public authorities in so far as they will be open to greater scrutiny in their decision making relating to island communities. Island residents and island community bodies will be empowered by the proposal which will enable them to challenge decisions that directly affect them and their community.

Thriving island communities are vital to the Scottish economy. Islands face particular challenges around distance, connectivity, sparsity and demography and it is important that public bodies consider these properly when applying strategies, services and policies. Island communities impact assessments are about understanding the impacts of policies in island communities. It ensures that island communities receive fair and equitable treatment and that policy outcomes are tailored to their unique circumstances. The proposal provides a review mechanism to empower island communities to challenge island community impact assessments.

What main outcomes do you expect the policy/strategy/plan to deliver?

The main outcome of the proposal will be to provide a review mechanism for island residents and island community bodies to challenge islands community impact assessments, ensuring that these consider the uniqueness of each island, ensure benefits for island communities, and take a transparent approach that improve accountability.

2. What is your timeframe for completing the Fairer Scotland assessment?

Consideration has been given to the Fairer Scotland duty and the assessment since May 2000 to date.

3. Who else in the organisation will be involved in the assessment and what roles will they be playing? We'd expect involvement from policy and analytical teams as a minimum. It is rarely appropriate for one person to conduct the assessment alone.

Senior members of the Rural and Islands Communities Team will be involved in the assessment. Team members have particular expertise in island matters and were involved in the extensive consultation undertaken in respect of the National Islands Plan and Island Communities Impact Assessments under the Islands (Scotland) Act 2018.

STAGE 2 - EVIDENCE

The second stage involves working closely with analysts, making full use of relevant data and commissioning other evidence to inform options for improvement. This stage is likely to involve a number of discussions between teams:

- To understand fully the inequalities of outcome associated with this programme/policy/decision.
- To begin to scope out how the programme/policy/decision could be strengthened to reduce these inequalities further, based on the evidence.
- Where necessary, to commission new data collection, for example from community consultation/participation, or new secondary analysis of existing data.

The Scottish Government has access to a wide range of relevant data, both quantitative and qualitative. This includes administrative data, data about local neighbourhoods (e.g. the Scottish Index of Multiple Deprivation), new experimental statistics on combined low income and material deprivation (now available at local level for the first time), and health, education and employment data. Analytical teams will be able to advise on which evidence is most useful.

Evidence can also be sought from communities and groups directly, particularly when there are evidence gaps – for example, where a significant new policy is being developed. Engagement processes should ideally reflect the principles of the [National Standards for Community Engagement](#).

Another source of help – particularly in terms of integrating equality and socio-economic considerations – is the Scottish Government [Equality Evidence Finder](#). This is an updated web resource providing equality evidence by subject area and protected characteristic. We intend to expand this over the next year to include

socio-economic disadvantage as an additional category, also including child poverty considerations.

Please answer the questions below to help meet the duty's evidence requirements.

4. What does the evidence suggest about existing inequalities of outcome, caused by socio-economic disadvantage, in this specific policy area? You might want to think about:

- People on low incomes
- People living in deprived areas (and within particular communities of place and interest)
- People with no / low wealth or in debt
- People in material deprivation
- People from different social classes

There was extensive evidence of disadvantages and impacts on islands. A short summary of impacts are:

- Higher general cost of living
- Restricted fuel market – no access to cheaper fuel sources like mains gas
- Higher travel and transportation costs
- Distance and remoteness from markets and disruption to vital supply routes for primary producers
- Some of the highest instances of fuel poverty in Scotland
- Higher package delivery charges
- Lack of, or poor, broadband
- Certain medical services not provided on islands.

5. What does the evidence suggest about any possible impacts of the policy/programme/decision, as currently planned, on those inequalities of outcome?

The policy proposal will have a positive impact on inequalities of outcome experienced by islanders and evidenced in their responses to the consultation.

The policy proposal will empower residents on islands and island community groups to apply for a review to challenge any policy, strategy or service that might seek to discriminate against island communities or between island groups.

6. Is there any evidence that suggests alternative approaches to the policy/programme/decision? E.g. Evidence from around the UK? International evidence?

The proposal is enacting Section 9 of the Islands (Scotland) Act 2018 by providing a review mechanism for island communities in respect of island communities impact assessments. Alternative approaches to a review mechanism were explored in conjunction with SGLD. In particular, the review mechanisms in The Additional Powers Request (Scotland) Regulations 2019. These regulations are islands specific and emanate from the Islands (Scotland) Act 2018. The Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016 were also considered in the approach taken.

7. What key evidence gaps are there? Is it possible to collect new evidence quickly in areas where we don't currently have any? For example, through consultation meetings, focus groups or surveys?

The principle evidence gap was the question of who should be able to apply for a review. This question was not answered in the Islands (Scotland) Act 2018 and was therefore specifically addressed in a consultation on the proposal.

8. How could you involve communities of interest (including those with lived experience of poverty and disadvantage) in this process? The voices of people and communities are likely to be important in identifying any potential improvements to the programme/policy/decision.

There was extensive consultation on the National Islands Plan and island communities impact assessments involving island communities.

This was followed by a more focussed consultation directed at the public authorities who would have to carry out a review.

The proposal will be subject to regular scrutiny from the islands authorities through the Islands Partnership Working Group and the Islands Strategic Group. Feedback on the review process will also be obtained from the Convention of the Highlands and Islands and COSLA.

Since the reviews of ICIAAs are subject to statutory reporting requirements, these will be monitored to identify any weaknesses in the review process.

The Scottish government webpage will provide details of the review process and feedback will be encouraged through this medium.

Further island community engagement will be part of the evaluation process.

STAGE 3 – ASSESSMENT AND IMPROVEMENT

Having considered the data and evidence you have gathered, the Assessment and Improvement Stage is where you look in more detail at potential improvements to the proposal, plan or decision.

It's essential that policy team leaders are involved at this stage to ensure that opportunities for developing a better proposal are able to be taken up; analysts should again be involved. This will be key for meeting the 'due regard' test.

The outcomes of the assessment and improvement phase, with any options emerging for consideration, should be clearly set out for consideration by the appropriate officer(s) in Stage 4.

The key questions to answer at this stage are:

9. What options could strengthen this programme/policy/decision in terms of its impacts on inequalities of outcome?

The consultation on the Review of Decisions proposal asked a specific question:

Who should be entitled to apply for a review. There was no unanimous view with 7 respondents considering individuals alone; and 5 respondents indicating community bodies. It was considered important

to include both island residents, island community bodies and island authorities.

10. What are the pros and cons of these options?

Pro: there is certainty in who is identified for the purposes of a review.

Con: While no evidence was forthcoming in the consultation, there could be instances where a non-island resident or a non-island body may have cause to challenge an ICIA. However, examples are more difficult to discern and there would be scope in any event within the wide criteria of applicants for an application to be made through an island resident or island community body.

11. How could the programme/policy/decision be adjusted to address inequalities associated with particular groups? Particular communities of interest or communities of place who are more at risk of inequalities of outcome?

The proposal was adjusted following feedback from the consultation to include the applicants specified. The applicants who can apply for a review are considered wide so as to ensure empowerment of island communities.

STAGE 4 - DECISION

This decision stage allows Deputy Directors (or above) to consider the assessment process from Stages 2 and 3, agree any changes to the policy, proposal or decision and confirm that due regard to meeting the Fairer Scotland Duty has been given in this case.

Key questions to discuss at this summary stage are:

12. What changes, if any, will be made to the proposal as a result of the assessment? Why are these changes being made and what are the expected outcomes?

As a result of the assessment, and through the consultation process, the criteria of applicants was made as wide as possible to ensure island communities would be empowered to challenge decisions relating to ICiAs by public authorities. The expected outcome will be that there will be greater transparency of public authority decision making relating to island communities. Island communities will have a simple and effective means through the review process to challenge decisions relating to ICiAs.

13. If no changes are proposed, please explain why.

Not applicable.

**Sign off of the Fairer
Scotland Assessment
template**

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Communities Division
Date: 2 October 2020

