Targeted Regulation - progressive, preventative and proportionate

Draft Equality Impact Assessment

Abstract: This draft Equality Impact Assessment (EQIA) supports and informs the public consultation on 'Targeted Regulation'. Comments are welcome on the draft EQIA specifically '**areas of impact not fully considered'.** Comments should be submitted as part of the consultations Consultation Respondent Form.

1. Context

The Scottish Charity Regulator is committed to ensuring that when considering any significant changes to process or policy that an Equality Impact Assessment (EQIA)[1] is conducted. The process is two staged. Initially we carry out an EQIA screening that OSCR's Senior Management Team review to identify whether a full EQIA is required. In the case of Targeted Regulation it was agreed that a full EQIA should be conducted. The proposals introduce a number of policy and process changes that impact both external and internal stakeholders.

Below is the draft EQIA for Targeted Regulation. It aims to consider and consolidate what we see as the 'Equality Impact' of the changes outlined in the full consultation publication.

This initial assessment has been informed using varied sources of evidence, an EQIA screening workshop attended by OSCR staff, and a consultation with our Charities Reference Group. It is now important that it can be commented on and informed as part of the wider consultation process.

2. Overview of policy area

Targeted Regulation is a programme of work that is seeking to introduce a number of benefits both for OSCR and the sector. These benefits are:

- Increased confidence in charities
- Improved compliance with charity law
- More effective and efficient use of resources

The proposals being consulted on that aim to deliver these benefits are:

- changes to our annual reporting by charities to OSCR
- changes to how we review accounts

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[1] EQIA's; these consider relevant evidence in order to understand the likely or actual effect of policies or practices on equality groups

- publication of charity accounts
- creation of a database of charity trustees

This EQIA aims to consider and consolidate what we see as the 'Equality Impact' of these changes.

The format of the EQIA follows an agreed template by OSCR. It summaries the evidence we have collected on each of the protected characteristics[2] and provides a summary of the negative and positive impact.

3. Evidence

Stakeholder mapping was carried out to inform the development of these proposals. The key stakeholders identified are:

OSCR Staff	Charities	General public
Professional advisors	Umbrella bodies	Funders
TSI's	Other regulators	Scottish Government
Media		

The general impact for charities and other external stakeholders will be most noticeable in:

- The information we collect and the means of collection. We moved to online reporting in 2012, and more generally as an organisation are seeking to increase online usage. Some of the information we will collect will be of greater sensitivity; specifically trustee names and address.
- Publication of accounts will affect service users in a number of ways. For charities they won't have to produce anything different, but more detailed information about their charity would be published on their register entry. There are data protection issues we have had to consider, and equality issues within these. The information will be published on-line, so accessibility must be considered.

OSCR regulates charities, but on a day-to-day basis it is individuals representing charities that engage directly with us. The impact of these proposals will be on both. Internally we don't hold substantive equality information. For charities we can do some basic analysis based on information held on the Scottish Charity Register[3]. This includes charitable purpose, beneficiary group and name. We can use this information to identify those charities working with and/or for the protected characteristics.

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[2] Protected characteristics under the 2010 Act are: Disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex, sexual orientation, marriage and civil partnership and age.
[3] Register data taken from data extract in September 2013.

We also previously collected equality information along with a customer service survey that was sent out by OSCR's Registration Team[4]. This survey was completed by a selection of charities having recently received a decision on a specific registration case. We present data from two analysis periods whereby we asked for detailed equality information on whom had answered the survey, and trustee demographic.

To support this we have also made reference to a number of external data sources. These include:

- Charity Commission for England and Wales
- The Scottish Government Equality Evidence Finder
- Scottish Household Survey 2011

The evidence outlined is categorised by each of the protected characteristics. The main findings we have taken from this evidence is summarised at the end of the section.

3.1 Disability

- **Register Data**

23% (5,407) charities on the register have a beneficiary class disabled or ill health. (This statistic has remained stable for a number of years).

- **Charities Services Customer Service Survey (late 2011 and 2010 reports)**

In the 2011 survey we asked whether the respondent had a disability and if yes which type.

Yes	16.6%
No	82.2%
Not answered	1.2%

Of those that states yes:

Physical	35.7%
Sensory	7.1%
Mental Health	7.1%
Learning difficulty	14.3%
Long standing	28.6%

In the 2010 survey the question was different whereby we asked if the charity was ran mainly by a group of individuals with a disability. There was only one response; noting learning disabilities.

[4] 2011 Survey issued between Sept-Nov 2011 (98 responses analysed). 2010 Survey issues between Jan-July 2010 (190 responses analysed)

- **Summary from SG Evidence Finder**

In 2012, 24% of people employed in the third sector considered themselves to have a disability. This means that around 1 in 4 people working for the third sector have a disability a greater proportion that those working in the public or private sectors where it is one in seven.   Source: Annual Population Survey (2012)

In 2011, 22% of people who volunteered had a disability or long term illness. Source: Scottish Household Survey (2011)

- **Scottish Household survey 2011 (specifically information on internet access)**

Around half of those who have some form of a long-term illness, health problem or disability do not use the Internet, compared with 19% of those who do not have any of these conditions. There is a very strong correlation between health status and age, so this could be, at least in part, a reflection of the relatively low levels of Internet use among older people, who are also more likely to have a long-term illness, health problem and/or disability. Overall, prevalence of not using the Internet is generally highest where adults have both a disability *and* a long-term illness.

3.2   Race

- **Register data**

1,206 (5%) charities have a beneficiary class 'racial or ethnic group and 692 (3%) have a purpose to promote race and racial harmony. (This statistic has remained stable for a number of years).

- **Charities Services Customer Service Survey (late 2011 and 2010 reports)**

In the 2011 survey we asked whether the respondent was of a specific race:

Scottish	62 respondents
Other British	19 respondents
Irish	4 respondents
Other white	2 respondents
African	2 respondents

In the 2010 survey the question was different whereby we asked if the charity was ran mainly those of a specific race.

Scottish	89%
British	11%
Irish	1%
Chinese	2%
African	1%

- **Summary from SG Evidence Finder**

In 2011, 3% of volunteers were from an ethnic group other than 'white'. The Scottish Government has no information on ethnicity and the non-voluntary third sector workforce. Source: Scottish Household Survey (2011)

- **Requests for information in other language**

We do monitor the number of requests for information in another language and the number has been very low, with no requests being made for monitoring forms and register information.

3.3 Religion and belief

- **Register data**

4,771 (20%) have a purpose to advance religion. (This statistic has remained stable for a number of years).

- **Charities Services Customer Service Survey (late 2011 and 2010 reports)**

In the 2011 survey we asked whether the respondent was of a specific religion:

Church of Scotland	53%
Roman Catholic	15%
Other Christian	28%
Buddhist	2%
Pagan	3%
Episcopal	1%

In the 2010 survey the question was different whereby we asked if the charity was ran mainly by those of a specific religion.

Christian	59%
Buddhist	9%
Other	32%

- **Summary from SG Evidence Finder**

In 2011, 60% of volunteers were of Christian faith, 37% of volunteers were not religious, and 3% of volunteers were of another faith. Source: Scottish Household Survey (2011). Comparing these with survey figures above indicates a similar demographic.

3.4 Sex

- **Register data**

We do not hold comprehensive data on charity trustees, but we do hold information on principal contacts. Analysis of the title stated for principal contacts has been

conducted but this is not comprehensive as these are not stated for all contacts. However, a simple analysis suggests that approximately 49% of contacts are female and 51% male.

- **Charities Services Customer Service Survey (late 2011 and 2010 reports)**

In the 2011 survey we asked the sex of the respondent:

Male	45%
Female	55%

In the 2010 survey the question was different whereby we asked if the charity was ran mainly by a men or women.

Male	49%
Female	51%

- **Summary from SG Evidence Finder**

In 2012, 64% of the people employed in the third sector were female. This is a higher majority than is within the private sector which is 41%. Source: Annual Population Survey (2012)

In 2011, a higher percentage of woman (33%) said they had volunteered in the past 12 months compared to men (27%). Source: Scottish Household Survey (2011)

- **Scottish Household survey 2011 (specifically information on internet access)**

A higher proportion of women (26%) do not use the Internet compared to men (21%). The main differences between genders are among those aged 60 or older with very littler difference in the proportion of male and female non-users in the younger age groups.

3.5 Sexual orientation and gender re-assignment

- **Charities Services Customer Service Survey (late 2011 and 2010 reports)**

In the 2011 survey we asked the sexual orientation of the respondent:

Gay Women/Lesbian	1.1%
Heterosexual	87.6%
Other	3.4%
Prefer not to say	7.9%

In the 2010 survey the question was different whereby we asked if the charity was ran mainly by those of a specific sexual orientation. There was only one answer; Bisexual.

- **Summary from SG Evidence Finder**

The Scottish Government does not currently have information on the experiences of gay, lesbian and bisexual people in relation to the third sector.

3.6   Marriage and civil partnership/ Pregnancy and Maternity

OSCR and Scottish Government have no relevant data under this characteristic.

3.7   Age

- **Register data**

11,484 (49%) charities have a beneficiary class of young people and 5,323 (23%) older people. (This statistic has remained stable for a number of years).

- **Charity Services Customer Service Survey (late 2011 and 2010 reports)**

In the 2011 survey we asked the age of the survey respondent. Below is a table of the age distribution:

Under 16	1%
16-24	3%
25-34	12%
35-44	20%
45-54	18%
55-64	31%
65+	12%
Prefer not say	3%

In the 2010 survey the question was different whereby we asked if the charity was ran mainly by a specific age group. Below is the table of age distribution:

Under 16	-
16-24	-
25-34	10%
35-44	36%
45-54	28%
55-64	18%
65+	8%

- **Charity Commission Research**

Research from the CCEW indicated the average mean age of a charity trustee is 57, with 67% over the age of 60.

- **Summary from SG Evidence Finder**

After the age of 74, the level of volunteering declines. In 2011, 17% of men and 19% of women aged 75 and over volunteered in the last 12 months, compared to 30% of adults overall.

Close to half (46%) of adults aged 75 and over who volunteered did so with religious organisations.

Volunteers aged 16 to 24 were most likely to have volunteered with organisations working with children or young people (24%) or with sports or exercise (22%).

The Scottish Government has no information on age and the non-voluntary third sector workforce.

Source: Scottish Household Survey 2011

- **2011 Scottish Household survey (specifically information on internet access)**

Just under a quarter of adults (24%) do not use the Internet at all, an improvement on the 27% reported in 2009/2010. There is a clear relationship between age and use of the Internet, with use declining as respondents get older. Just 4% of men and women aged 16 to 24 do not use the Internet, whereas the corresponding figures for those aged 75 and over are 73% and 86% respectively

3.8   Key points from statistical evidence

- Nearly a quarter of the people working in the third sector consider themselves to have a disability (a higher proportion that the public/private sectors). Around a quarter of charities on the Register have a beneficiary class of disabled or ill health.
- Average age of a trustee is 57 in comparison with the Scottish Government evidence on internet use.
- A fifth of the charities on the Register have the purpose to advance Religion.

4.   Impact

4.1   Context

In order for us to make our initial assessment of the proposals we took this evidence and held a staff framing exercise and also consulted with our Charities Reference Group.

4.2 Impact assessment

The impact of the proposals varies across the protected characteristics. In terms of pregnancy and maternity and marriage and civil partnership we have not identified any negative impact, but for the others there is some evidence of this and we are considering what possible mitigations can be implemented. The table below outlines our initial assessment for consultation.

Comments are welcome on the impact assessment outlined, particularly any areas of impact (positive or negative) not outlined. Responses can be outlined in the Consultation Respondent Form.

Proposal	Impact
Changes to annual reporting forms	- Age: Some charities with older charity trustees may have concerns with a change to process and additional questions. Need to consider the terminology and supporting guidance. - Disability: Consider form format. Plain text versions, hard copies, screen readers. Also language used (see above). This is something considered previously and existing mitigation measures are in place. - Race: Forms have always been provided in English and no requests for other languages have been made to date. Positive: OSCR are a member of the 'Happy to translate' scheme. - Smaller charities – perception of an increased burden. Pilot exercise will test this.
Publication of charity accounts	- Impact generally neutral across the characteristics. Charities won't have to do anything different and information will be accessible in hard copy from charities directly for those interested in this information that don't have internet. - Need to consider the sensitively of the information being published. Named and associations with charities. This may have a negative impact specifically in relation to sex and sexual orientation. - Some religious charities produce their accounts in specific format; however we won't be asking them to change this. - Concern about the knowledge and skill set of stakeholders accessing what will be financial information and whether this will lead to further inquiry work for OSCR. - Funders: positive impact in relation to access to information. - Public: positive as it provides further financial information that evidence suggests they want.

Development of a trustee register	• Impact across all the characteristics in terms of the type of personal information we collect. Consultation will inform this further. If we were to publish trustee names, we would need to consider an exception policy. Possible negative impact in terms of:
	   o Age
	   o Sexuality
	   o Gender reassignment
	   o Religion
	   o Race
	   o Sex
	   o Generally vulnerable adults
	   o Disability
	
	E.g. Stakeholders viewing a register could make assumptions about people just because they are associated with that charity.
	
	• Need to consider smaller charities where there is a high turnover of trustees – inaccurate information being published. Also privacy issues.

Serious Incident Reporting	• Impact generally neutral across the characteristics. • Need to consider guidance and terminology used to ensure consistent understanding.
Increasing the usage of OSCR online (Online services).	• Age: Statistical evidence shows that internet usage declines in older age and the trustee demographic is older. Consider how we signpost support. • Disability: Consider accessibility to online facility for example screen readers, and format of text and colour. Also accessibility to support in various formats. • Religion: Are there any specific religions that won't use online facilities? Need to consider further • Rural charities: access to online facilities.

4.3   Summary

This initial assessment indicates that the main negative impacts we need to consider further are in respect of communication (race, disability ,age) and confidentiality of information we collect (across all strands).

Once we are confident that we have the all evidence we need and have consulted on this initial assessment, those working on each of the proposals will finalise mitigations. This will then be incorporated into the final EQIA.