

Charity Test Guidance

Equality Impact Assessment

Abstract: This Equality Impact Assessment (EQIA) supports and informs the public consultation on the revised 'Charity Test Guidance'.

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. This is a two staged process. Initially we carry out an EQIA screening that a member of OSCR's Senior Management Team reviews to identify whether a full EQIA is required. In the case of the 'Charity Test Guidance' it was agreed that a full EQIA should be conducted as revised guidance can include changes that impact both external and internal stakeholders.

Below is the EQIA for the '[Charity Test Guidance](#)'. It aims to consider and consolidate what we see as the 'Equality Impact' of the changes in the draft guidance.

2. Overview of policy area

What is proposed is to build on OSCR's regulatory practice so far and examples of good and bad practice to provide practical, usable guidance on the Charity Test to external and internal stakeholders.

The new guidance will emphasise the importance of the charity test in maintaining charitable status taking the focus away from just those seeking to become a charity.

➤ The desired outcomes/outputs are:

- Revised written guidance on the charity test in a format suitable for web publication.
- Guidance targeted at a key audience of professional advisers, then prospective charities, umbrella bodies, existing charity trustees and OSCR staff.
- To provide greater clarity on the charity test requirements for existing and prospective charities and their advisers.
- Internal guidance for OSCR decision makers.

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

- To provide a responsive piece or suite of guidance which is easy to access, uses plain language (wherever possible) and has a style that reflects the corporate persona set out in OSCR’s Engagement Strategy.

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. It summaries the evidence we have collected on each of the protected characteristics² and provides a summary of the negative and positive impact.

3. Evidence

Stakeholder mapping was carried out to inform the development of the Draft Charity Test Guidance. The key stakeholders identified are:

OSCR Staff	Charities	General public
Professional advisors	Umbrella bodies	Funders
Third Sector Interfaces	Other regulators	Scottish Government

OSCR regulates charities, but on a day-to-day basis it is individuals representing charities that engage directly with us. The impact of the ‘Charity Test Guidance’ 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 Register³. 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.

We also previously collected equality information along with a customer service survey that was sent out by OSCR’s Registration Team⁴. 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 who had answered the survey, and trustee demographic.

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

- Charity Commission for England and Wales
- The Scottish Government Equality Evidence Finder
- Scottish Household Survey’s 2012 and 2013

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 February 2015.

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

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**

5,553 (23%) 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.

No	82.2%
Yes	16.6%
Not answered	1.2%

Of those that states yes:

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

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.

- **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 2012, 19% of people who volunteered had a disability or long term illness. **Source:** Scottish Household Survey (2012)

3.2 Race

- **Register data**

1,266 (5%) charities have a beneficiary class 'racial or ethnic group and 688 (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%
Chinese	2%
Irish	1%
African	1%

- **Summary from SG Evidence Finder**

In 2012, 1% 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 (2012)

- **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 the Charity Test Guidance to be provided in another language.

3.3 Religion and belief

- **Register data**

4,571 (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%
--------------------	-----

Other Christian	28%
Roman Catholic	15%
Pagan	3%
Buddhist	2%
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%
Other	32%
Buddhist	9%

- **Summary from SG Evidence Finder**

In 2012, 57% of volunteers were of Christian faith, 39% of volunteers were not religious, and 3% of volunteers were of another faith. **Source:** Scottish Household Survey (2012). **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:

Female	55%
Male	45%

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

Female	51%
Male	49%

- **Summary from SG Evidence Finder**

In 2013, 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 (2013).

In 2013, a higher percentage of women (30%) than men (25%) volunteered. Between 2008 and 2013 the proportion of women who had volunteered in the last 12 months has been consistently higher than men. Source: [Scottish Household Survey \(2013\)](#)

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:

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

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**

11,688 (49%) charities have a beneficiary class of young people and 5,389 (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:

55-64	31%
35-44	20%
45-54	18%

65+	12%
25-34	12%
16-24	3%
Prefer not say	3%
Under 16	1%

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:

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

- **Charity Commission Research**

Research from the CCEW indicated the average age of a charity trustee is 57, with two thirds over the age of 50.

- **Summary from SG Evidence Finder**

After the age of 74, the level of volunteering declines. In 2013, 20% of men and 20% of women aged 75 and over volunteered in the last 12 months, compared to 28% of adults overall.

Volunteers aged 16 to 24 were most likely to have volunteered with organisations working with children or young people (30%) or with health, disability and social welfare (24%).

The Scottish Government has no information on age and the third sector workforce. Source: [Scottish Household Survey \(2013\)](#).

3.8 Internet Use: Age, gender and longstanding physical or mental health condition or illness

Research shows that there is a clear relationship between age and use of internet, with significantly lower rates of internet use among older respondents. Only 3% of adults aged 16 to 34 reported not using the internet, whereas the corresponding proportion of those aged 75 and over is 75%.

Overall there was no significant difference in use of internet between the genders. However, a gender gap becomes apparent in older age groups, where 57% of men

and 46% of women aged 60 and over stated that they use the internet. Internet use among men aged 60 and over has increased by 10% points since 2012, while internet use among women in the same age group has remained roughly the same (down 1%).

Around two-fifths (38%) of those who have some form of a longstanding physical or mental health condition or illness reported not using the internet, compared with 13% of those who do not have any such condition. However, there was no statistically significant difference in internet use among those with and without a longstanding health condition in the younger age groups (aged 16 to 34), suggesting that the relatively low level of internet use among all those with a longstanding health condition can in part be a reflection of the low levels of internet use among older people. This is supported by evidence which demonstrates the very strong correlation between health status and age (older people are more likely to have a long-term physical or mental health condition).

Source: Scottish Household Survey 2013

3.9 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 than 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 we took this evidence and staff feedback and also looked at previous EQIA's for our Targeted Regulation consultation and previous versions of the Meeting the Charity Test Guidance.

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 prior to consultation.

Proposal	Impact
Updated Guidance	<ul style="list-style-type: none"> • Age: the Guidance has been drafted using Plain English principles wherever possible. • Disability: Consider guidance format. Plain text versions, hard copies, large print and screen readers. Also language used (see above). This is something considered previously and existing mitigation measures are in place. • Race: Guidance has 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 and the web-based guidance should enable the use of screen readers and online translators.

4.3 Summary

This assessment indicates that the main negative impacts we need to consider further are in respect of communication (race, disability, age).