Equality Impact Assessment (EQIA)

FLS-0013-C Specialist Peatland Restoration

Section 1: Details of the policy/practice/project

| **Information required** | **Enter information below** |
| --- | --- |
| Department/Team responsible | Forestry and Land Scotland Land Management |
| Name of Policy, Practice or Project being assessed | Specialist Peatland Restoration |
| Purpose and anticipated outcomes | FLS are undertaking a programme of restoration of degraded peatlands to meet targets agreed with Scottish Government as part of the wider Peatland Action Delivery Programme. By 2027 onwards, FLS expect to be restoring at least 3,000 hectares per annum. As part of this duty, FLS have a continuing requirement for externally sourced specialist Peatland Restoration services with 3rd party contractors. |
| Is this a new or existing Policy, Practice or Project? | No – re-procurement project to replace current arrangements. The current Peatland Restoration Framework Agreement (FW0042) is now in its final period. FLS have explored all potential options and opportunities for procuring services to deliver specialist Peatland Restoration operations over the next 5+ years which resulted in the decision to commence a new tender exercise. |
| List of participants in Equality Impact Assessment process | Ella Hashemi; Equality, Diversity & Inclusion Manager.  Claire Guerin, Peatland Programme Manager. |
| Date Assessment started | 21/2/23 (preliminary conversations November 2022) |
| Completion date | 24/02/23 |
| Who is likely to be affected?  *E.g. employees, visitors, contractors, women, men, young people, older people, people with disabilities etc.* | Primarily Contractors and Regional Staff who are contract managing the delivery of these services. |

Section 2: Collecting information

What evidence is available about the needs of relevant groups? Please consider demographic data, including census information, research, consultation and survey reports, feedback and complaints, case law, others knowledge and experience. Please refer to the list of evidence on the EqIA page of the intranet.

| **Details** | **Source of evidence** |
| --- | --- |
| **Advanced Learning & Skills:**  **Modern Apprenticeships**  **Economic Outlook**   * Scotland and the rest of the UK faces a challenging economic outlook. The economy continues to be significantly affected by rising costs, with 90% of Scottish businesses reporting an increase in business costs over the past year (77% experiencing a 50% increase). Furthermore, utility costs, supply chain issues, and skills shortages continue to affect some industries disproportionately. However, despite this Modern Apprenticeship (MA) starts continued to grow, at 94.0% of what they were in Q3 2019/20, pre-pandemic. This may give some indication that employers are refocusing on their skills pipelines and   workforce development.   * 59.8% of Modern Apprenticeship starts were aged 16-24; 40.2% were aged 25+. Young people were adversely impacted by the Covid-19 pandemic, however, the number of MA starts aged 16-24 has been increasing each year since Q3 2020/21. * As of 30th Dec 2022 there were 39,794 Modern Apprentices in training; 69% were aged 16-24 and 31% aged 25 or over. * 36.8% of starts were female, 1.9 pp lower than the pre-pandemic level. The widening of the gender gap may be partly explained by the increase in starts to the largest occupational grouping, Construction & Related, where this   quarter only 2.7%) of starts were female.   * 14.8% of Modern Apprenticeship starts self-identified an impairment, health condition or learning difficulty * 3.3% of Modern Apprenticeship starts self-identified as being from a minority ethnic group | Modern Apprenticeship Statistics, Quarter 3 2022/23 (1st April-30th December) (Published: 14th February 2023, Skills Development Scotland) |
| **Advanced Learning & Skills:**  **Participation in Education, Employment and Training**   * 16 year olds had the highest participation rate of 99.3% * The participation rate for young people (aged 16-19) who identified as disabled was 88.7% compared to 92.5% for those who did not identify as disabled. * 95.5% of young people (aged 16-19) from minority ethnic groups were participating compared to 92.2% of those from non-minority (White) ethnic groups. * 93.2% of young women (aged 16-19) were participating compared to 91.6% of young men. This difference was primarily driven by a higher rate of   female participation in education (78.3% versus 68.2%). This was  offset, to a large extent, by greater participation in employment by  males than females (21.3% versus 13.5%).   * The participation gap between those who lived in the 20% most deprived areas and those in the 20% least deprived areas was 9.3 pp, the same as 2021. Just over 22% of the APM cohort lived in the 20% most deprived areas. | Annual Participation Measure for 16 – 19 year olds in Scotland 2022 (Published: August 2022, Skills Development Scotland (SDS)) |
| * The UK Construction industry is the most comparable industry sector to the nature of job role for specialist peatland restoration contractors. In Q4 2021 there were 1.846 million men and 311,000 women employed in this sector. | [Employment in the UK construction industry by gender 2021 | Statista](https://www.statista.com/statistics/1023964/employment-in-the-uk-construction-industry-by-gender/) |
| **SME employers**   * More than 1 in 3 SME employers in Scotland fell in the 45 to 54 age category (34%). The two next largest categories were the 55 to 64 (22%) and 35 to 44 (19%) age categories. * 9% of SMEs employing sole traders in Scotland had a disability. * 2% of SME employers in Scotland were run by a member, or mostly by members, of a minority ethnic group * 17% of SME employers were controlled by a woman, or led by a management team with a majority of women | Small Business Survey reports (Department for Business, Innovation and Skills)  Small Business Survey Scotland: 2020  <https://www.gov.scot/publications/small-business-survey-scotland-2020/> |
| **Labour Market:**   * Employment rates were highest for 35-49 year olds (83%) and lowest for the 16-24 year old age group (57.2%). 11.5% of 16-19 year olds were not in education, employment or training (NEET). * The employment rate for disabled people in Scotland (aged 16-64) was 49.6%, which compares with an employment rate of 80.8% for non-disabled people * The employment rate for the minority ethnic population aged 16-64 was 62.1% which is lower than the white population with an employment rate of 73.9%. * The employment rate for women was 70.7%, lower than the employment rate for men (75.8%). * The highest employment rates were seen for those with no religious beliefs (74.7%) followed by Christians (72.3%), Other religion (64.7%), Buddhists (66.5%), Hindus (68.4%), Jewish (69.8%), Muslims (46.5%), Sikhs (61.5%). The employment rate for Scotland as a whole was 73.2% * People who identified as 'LGB and other' were twice as likely to be unemployed compared to those who identified as 'heterosexual' (4% versus 2%). It is important to note that a higher proportion of those identifying as 'LGB and other' were in the age groups 16-24 and 25-34, which were also the age groups where unemployment was higher. | Scotland's Labour Market: People, Places and Regions – Protected Characteristics. Statistics from the Annual Population Survey 2021  <https://www.gov.scot/publications/scotlands-labour-market-people-places-regions-protected-characteristics-statistics-annual-population-survey-2021/>  Sexual orientation in Scotland 2017: summary of evidence base  [Sexual orientation in Scotland 2017: summary of evidence base - gov.scot (www.gov.scot)](https://www.gov.scot/publications/sexual-orientation-scotland-2017-summary-evidence-base/pages/5/) |
|  |  |

| **From your research above, if you have you identified any gaps in evidence, enter the details of the gaps below** |
| --- |
| **Advanced Learning & Skills:** Gaps in evidence for 3 protected characteristics – Religion, Sexual Orientation and Transgender.**SME Employers:** Gaps in evidence for 3 protected characteristics – Religion, Sexual Orientation, and Transgender  **Labour Market:** Gaps in evidence for 1 protected characteristics –Transgender  Engagement with project User Intelligence Group (internal stakeholders) and via market engagement conducted via a Prior Information Notice on Public Contracts Scotland (information on protected characteristics was not gathered at the time, but response rate was too low to provide statistically significant data in this regard). It is known anecdotally that the current workforce for these services largely consists of SMEs, often with an aging workforce. It is our intention to include a requirement for community benefits that target recruitment and training in the form of apprenticeships and employment. Skills training and development for the contractors existing employees will also be included.  Overall, there is a lack of currently available research on protected characteristics of employees/trainees specific to specialist peatland restoration contractors. However, this industry shares similarities with the Construction sector in terms of type of work undertaken, therefore statistics for employees in terms of protected characteristics may be similar. For example, there is likely to be a ‘gender’ gap in the sex of employees, with the majority being male, as identified in the research above. NatureScot are currently leading on a nationwide programme of work to develop workforce capacity in terms of skills. The Peatland Programme Manager is in regular contact with the Workforce Development Manager through a cross-sector working group on Peatland Skills, Capacity and Training. Identification of gaps in evidence, inequality in protected characteristics and steps taken to address these, could be undertaken as part of the workstream activities of this forum. |

| **As appropriate, please describe below, the consultation/engagement undertaken, including details of the groups involved and the methods used** |
| --- |
| See above. |

| **Detail below if there are any other groups to be consulted** |
| --- |
| None. |

Section 3: Impacts

Has the research and consultation identified any potential for impacts on those with the following protected characteristics:

| **Protected Characteristic** | **Potential Impact (yes or no)** | **Explain** |
| --- | --- | --- |
| **Age**  *E.g. older people, children including looked after children, young people including care leavers* | No | The current workforce is varied in age although a number of SMEs are currently owned by the older generation. The work involved in the contract will largely be manual – see disability section for specific considerations that may be age related.  The new Contract will include a community benefits requirement to encourage contractors to take on apprentices, as a way of FLS fostering sectoral change and addressing the ageing workforce across the sector. |
| **Disability**  *E.g. long term mental health conditions, neurodiversity, physical impairments* | Yes | The work involved in the contract will largely be manual and on uneven terrain which could present difficulties for those with mobility issues or some sight impairments. Where appropriate, reasonable adjustments will be put in place in line with legal responsibilities under the Equality Act. |
| **Gender reassignment**  *Where a person is living as a different gender to that at birth* | No | The work required can be undertaken by any individual regardless of gender reassignment. |
| **Pregnancy and maternity**  *Including breastfeeding* | No | The work required can be undertaken by any individual however health and safety requirements may prevent pregnant individuals for undertaking certain duties due the manual work involved. An individual H&S risk assessment would need to be undertaken to ensure that any pregnant individuals could carry out the work safely in accordance with H&S requirements. This may prevent them from undertaking certain aspects of the work involved. |
| **Race, ethnicity, colour, nationality or national origins**  *Including gypsies or travellers, refugees or asylum seekers* | No | The work required can be undertaken by any individual regardless of Race, ethnicity, colour, nationality or national origins. |
| **Religion or belief**  *Including non-belief* | No | The work required can be undertaken by any individual regardless of Religion or belief. |
| **Sex/Gender** | No | The work required can be undertaken by any individual regardless of gender. |
| **Marriage and civil partnership** | No | The work required can be undertaken by any individual regardless of marital status. |
| **Sexual Orientation** | No | The work required can be undertaken by any individual regardless of sexual orientation. |

Is there any evidence that the policy may result in any less favourable treatment, discrimination, harassment or victimization as detailed below:

| **Potential outcome of the policy** | **Delete as appropriate** | **If yes, give details of the potential outcome and any project modifications to mitigate the risk** |
| --- | --- | --- |
| Result in less favourable treatment for particular groups | No | Manual labour undertaken over difficult terrain is required through this project. The work involved will be largely manual and on uneven terrain which could present difficulties for those with mobility issues or some sight impairments. Where appropriate, reasonable adjustments will be put in place in line with legal responsibilities under the Equality Act. |
| Give rise to direct or indirect discrimination | No |  |
| Give rise to unlawful harassment or victimisation | No |  |

Section 4: Meeting our General Equality Duty

| **Enter below which aspects of the Policy, Practice or Project seek to eliminate unlawful discrimination, harassment and victimisation** |
| --- |
| The project is for services that will in no way lead to discrimination, harassment or victimisation. The terms and conditions of Contract contain clauses ensuring that any Contractor meet their duties under the Equality Act 2010. We can ask for evidence that they are aware of and operate in accordance with those requirements at any point. Should a breach be discovered this would be deemed as a material breach of contract resulting in immediate termination. The tender will set out ‘zero tolerance’ expectations for prospective bidders with respect to bullying & harassment: *At FLS we treat everyone with respect and ask the same in return. We ask that you treat all staff respectfully – without violence, abuse, or harassment. Any behaviour verbal or physical which causes staff to feel uncomfortable, embarrassed, or threatened is unacceptable.* |

| **Enter below which aspects of the Policy, Practice or Project seek to advance equality of opportunity between people who share a relevant protected characteristic and those who do not** |
| --- |
| It is a requirement of the contract that Contractors provide details of their equalities policy and their Fair Work practices. These will be reviewed prior to any contract being offered and will be reviewed as an agenda item at six-monthly review meetings. The contract also stipulates that Contractors must also submit innovations in technology that could allow for improvements in use for all. |

| **Enter below which aspects of the Policy, Practice or Project seek to foster good relations between people who share a protected characteristic and those who do not** |
| --- |
| The service provided by the supplier will be continually monitored to ensure that the needs of individuals who may have a protected characteristic are always considered and acted upon appropriately. This proposal will support FLS to meet our public sector equality duties and seeking to advance equality of opportunity amongst out contractor base and across the wider sector in Scotland. |

Section 5: Outcome of the assessment

| **Outcome of the assessment on the Policy, Practice or Project** | **Enter detail below** |
| --- | --- |
| No major change |  |
| Adjust the Policy, Practice or Project |  |
| Continue to Policy, Practice or Project | The Project proposal will remain largely the same. Due to the nature of the requirement we are unable to make proposals to address the potential impact of individuals with certain disabilities unfavorable for employment for these services. |
| Stop and remove the Policy, Practice or Project |  |

| **Detail below recommendations, including action required, to address any negative impacts identified** |
| --- |
| Under legislative requirements, it is necessary to put in place reasonable adjustment where suitable and appropriate. |

Section 6: Monitoring

| **Describe below how you will monitor the impact of this Policy, Practice or Project**  *E.g. performance indicators used, other monitoring arrangements, who will monitor progress, criteria used to measure achievement of outcomes etc.* |
| --- |
| All aspects of equality will be monitored during six-monthly contract reviews undertaken by the FLS Regional Contract Managers. |

| **When and how is the Policy, Practice or Project due to be reviewed?** |
| --- |
| At contract end or prior to that if any negative impacts are identified during contract/contractor review meetings. |

Section 7: Sign off

| **Required information** | **Enter information below** |
| --- | --- |
| Date sent to Equality and Diversity Manager | 22/02/23 |
| Comments from Equality and Diversity Manager | No comments needed as involved in the EqIA |
| Date signed off by Equality and Diversity Manager | 24/02/23 |

| **Details of Senior Manager who has signed off this Equality Impact Assessment** | **Enter information below** |
| --- | --- |
| Name | Colin Edwards |
| Title | Environment Manager |
| Date approved | 23/2/23 |

Please send this completed and approved Equality Impact Assessment to:

[Ella Hashemi](mailto:ella.hashemi@forestryandland.gov.scot), Equality, Diversity and Inclusion Manager, Forestry and Land Scotland