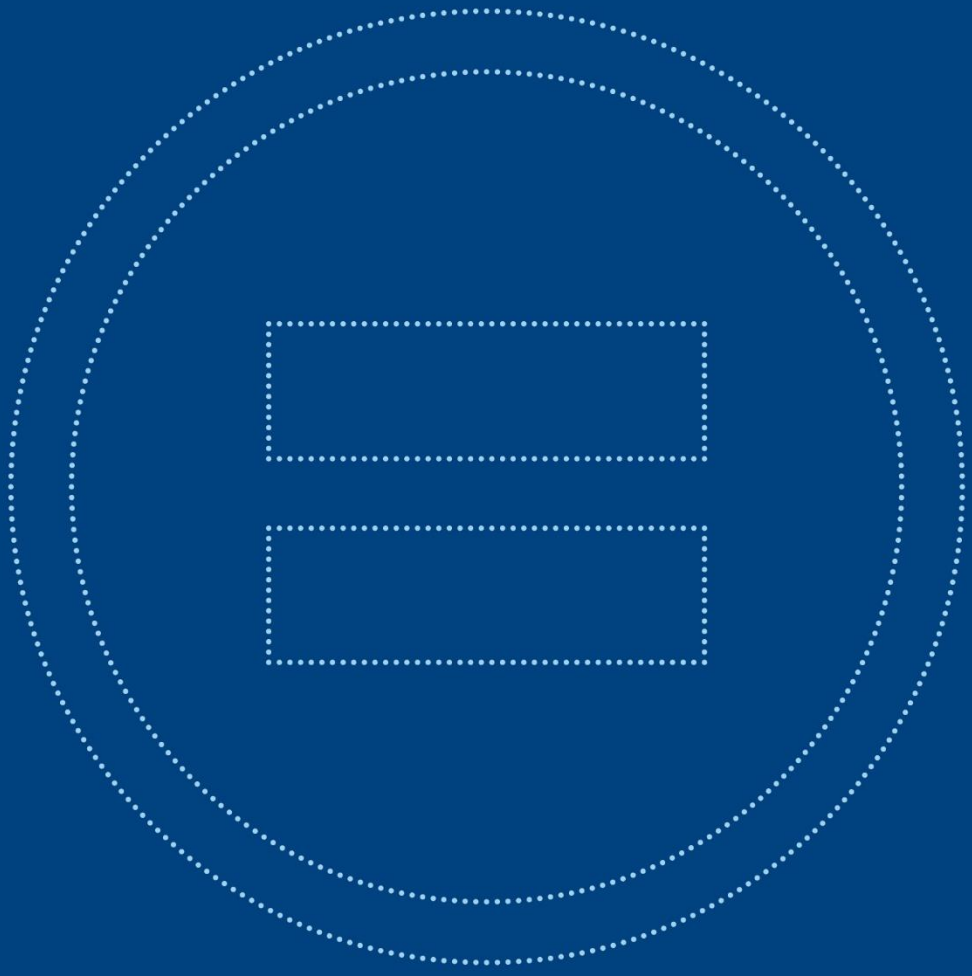
Equality. Fairer Scotland. Children's Rights. Impact Assessment Report

Midlothian Integration Joint Board

Publication Scheme 2023



Contents

Brief description of proposed work .....

Evidence 5
Impact on equality & socio-economic disadvantage 6
Impact on UNCRC rights 15
Making a difference 22
Monitoring the actual impact 20
Sharing with decision-makers 20

Description Guidance pages 4-7

Title of proposed work and name of contracted organisation

Midlothian Integration Joint Board Publication Scheme 2023 'Guide to Information'.

Purpose/ objective of proposal

The Midlothian Integration Joint Board (IJB) is required to provide the public with a Publication Scheme under the Freedom of Information (Scotland) Act 2002 (the Act). The Act requires Scottish public authorities to make available specific types of information that it holds.

Authorities are under a legal obligation to publish the classes of information that they make available, tell the public how to access the information, and whether information is available free of charge or for a fee.

The Midlothian IJB have adopted the Model Publication Scheme (2021) produced and approved by the Scottish Information Commissioner. The requirements of the Model Publication Scheme were updated by the Information Commissioner's Office (ICO) in 2021.

Midlothian IJB Publication Scheme 2023 'Guide to Information' is an update and reworking of the Midlothian IJB Scheme of Publication (2019). This update brings the publication scheme in line with the ICO Model Publication Scheme (2021). The document supports Midlothian IJB to meet other relevant statutory obligations such as the Freedom of Information (Scotland) Act 2002 and Equality Act 2010/Public Sector Equality Duties.

Who will be affected by this proposal

The Midlothian IJB Publication Scheme 2023 will affect the general public through providing information to them about which types of information they can access, the location of the information and by informing them that they can request the information in a format that meets their needs.

The Midlothian IJB Publication Scheme 2023 has potential to disproportionately affect people with sensory or cognitive impairment, learning difficulties, lower levels of literacy and British Sign Language users. Midlothian IJB has taken extra care to consider people from these groups to ensure that everyone can access information in a way that they can digest. Some people with these needs are protected by the Equality Act 2010, under the protected characteristic of disability. Others may not be covered under the legal definition of being disabled, but have been given the same consideration by Midlothian IJB, with a view that legal requirements are one part of a holistic approach that values the needs of everyone as a moral imperative as well as statutory one.

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Date: 07/12/2023

Evidence Guidance pages 8-9 & 18-22

Evidence used:

The publication scheme which preceded this review, MIJB Scheme of Publication 2019, was made available to the public on the Midlothian IJB website. As the document was freely available to the public, it was not possible to collect data on those that accessed the document. Given the absence of data related to people that accessed the former publication scheme, it is not possible to deduce which specific individuals accessed the document and the needs that they had. To ensure that access for a broad set of needs is actively considered in the Midlothian IJB Publication Scheme 2023, Midlothian IJB has gathered data on the population of Midlothian via the Midlothian HSCP Physical Disability and Sensory Impairment Data and the National Records of Scotland to help identify those likely to be most affected.

Conversations with the Equality and Human Rights Lead and those working within accessibility and communications within Midlothian Health and Social Care suggested that the Midlothian IJB Publication Scheme 2023 has potential to disproportionately affect people with:

Sensory impairment – The most likely sensory impairment that will affect people's reading of the Midlothian IJB Publication Scheme 2023 and the information it signposts to is vision impairment, blindness/partial sight, or sight loss. Less severe forms of vision impairment are very common with more severe forms of vision impairment occurring in about 3% of the UK population. Sight loss is disproportionately experienced my those in older age groups. The National Record of Statistics Scotland Population Projection by Council area recorded the largest percentage increase of the 75 year and over age group in Midlothian between 2001 and 2021 of +49.5%.

British Sign Language Users also experience sensory impairment but have different needs than those that are deaf, have partial hearing or experience hearing loss and do not use British Sign Language, so British Sign Language users have been noted separately.

Cognitive impairment – Cognitive impairment can affect people from birth, develop as they age or happen as a result of injury or illness. It can also be linked with conditions such as Dementia and Alzheimer's which disproportionately affect those in older age groups. It can be temporary or long term. It can affect the way people process information, their memory, ability to focus and other have other impacts on ability to understanding information.

Learning difficulties – Midlothian Health & Social Care Partnership Consultation Report for Strategic Plan 2022-2025 estimates 1,722 people have a learning difficulty within Midlothian. There are different kinds of learning difficulties and a number of different ways to assist people with learning difficulties to access information, such as adopting a plain English and Easy Read format.

Lower levels of literacy - A survey carried out by Adult National Literacy Trust says that 1 in 4 adults in Scotland experience challenges with lower levels of literacy skills. People do not reach adult levels of literacy for a variety of complex social and personal reasons. Some of these reasons link to social disadvantage, lack of opportunity and poverty. It is important that people with lower levels of literacy are considered when presenting information and that language use is mindful of lower literacy levels.

British Sign Language users – Scotland's census (2022) identified 233 people within Midlothian who were British Sign Language users. British Sign Language users are people that have learned British Sign Language (in its visual or tactile form) as a method of communication. Most British Sign Language users are deaf or hearing impaired. Users may use British Sign Language alongside other forms of communication, or they may use British Sign Language exclusively. It is important not to assume that British Sign Language users read the written word, and instead endeavour to provide information in British Sign Language wherever possible. The British Sign Language Act 2015 sets out requirements on public authorities to plan for and promote British Sign Language.

Older people, in relation to their likelihood to belong to another protected characteristic group – Those in older age groups have a higher level of sensory and cognitive impairment that other age groups. Given National Record of Statistics Scotland's figures on the increase in the 75 years and over age group in Midlothian, in the last two decades (+49.5%), recognising the needs of this group will be crucial in preventing indirect discrimination.

Summary of findings:

The Midlothian IJB Publication Scheme 2023 is an important public document that helps people to understand their right to publicly held information. As far as possible (without departing from the ICO Model Publication Scheme 2021) the document should be put together in a way that suits a general audience but is also adapted to and mindful of the needs of people with a variety of different access needs. Providing a range of formats and language options helps to remove barriers to access and increases community understanding of health and social care.

In practice this means:

- Writing the document, wherever possible whilst maintaining compliance with ICO Model Publication Scheme 2021, in plain English – advice has been sought from the ICO and a response received in November 2023 that outlines which phrases can and cannot be changed.
- Ensuring formatting of the document is suitable for assistive technologies such as screen readers, text to speech, Google translate.
- Creating an Easy Read version for those with cognitive and learning difficulties. This may appeal to some with lower literacy levels also.
- On request, translating the document into other languages (either digitally through a translation programme, or via official translation) and be provided in a format which is most accessible to the individual.

- On request, creating a British Sign Language (visual) translation to accompany the document online.
- Seeking out and listen to feedback from the community on how IJB efforts to produce accessible information has been in practice and take action to address any barriers to access raised during the life of the Midlothian IJB Publication Scheme 2023.

Impact on equality & socio-economic disadvantage Guidance p10-16

Negative impacts

Using the evidence you have collected, explain if your proposal could be discriminatory or put a group of people at a disadvantage. Some work will be broad and affect everyone working for us or using our services, but some may only affect specific groups of people. If this is the case, simply say 'not relevant' or 'no known relevance' if your proposal does not affect a group.

Relevant group	Could your work result in unlawful discrimination?	Could your work put people at a disadvantage/ make their lives worse?
People in different age groups	No. Thoughtfully setting out the document to work with assistive technologies and providing a range of alternative formats to meet the needs of older people that have sensory, cognitive impairment or another protected characteristic will eliminate unlawful discrimination.	No.
Disabled people	No. Thoughtfully setting out the document to work with assistive technologies and providing a range of alternative formats to meet the needs of disabled people will eliminate unlawful discrimination. British Sign Language translation of this document should be undertaken.	No.

Relevant group	Could your work result in unlawful discrimination?	Could your work put people at a disadvantage/ make their lives worse?
Trans and non-binary people	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
People who are pregnant or on maternity leave	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
People from different ethnic backgrounds	Indirectly, yes. People from different ethnic backgrounds that struggle with reading written English may be prevented from accessing information, and thus exercising their rights to read the information if translation was not thoughtfully advertised e.g. a simple sentence in the most common languages other than English spoken in Midlothian explaining that translations of documents can be requested, or how to use technology to translate documents.	No, provided that invitations to request the Midlothian IJB Publication Scheme 2023 scheme is translated/digitally translatable into the most common languages other than English spoken in Midlothian.

Relevant group	Could your work result in unlawful discrimination?	Could your work put people at a disadvantage/ make their lives worse?
People with religious or protected beliefs	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
Men and women	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
People who are heterosexual, lesbian, gay or bisexual	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
People who are married or in a civil partnership [only in employment situations]	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
Care experienced people	Not relevant Information will be made available to all enquirers in the same way. There is no protection from discrimination on basis of care experience.	Not relevant Information will be made available to all enquirers in the same way.

Relevant group	Could your work result in unlawful discrimination?	Could your work put people at a disadvantage/ make their lives worse?
People experiencing health inequalities caused by socio-economic disadvantage	Not relevant Information will be made available to all enquirers in the same way. There is no protection from discrimination on basis of care experience.	No.
People experiencing employment inequalities caused by socio-economic disadvantage	Not relevant Information will be made available to all enquirers in the same way. There is no protection from discrimination on basis of care experience.	Not relevant Information will be made available to all enquirers in the same way.
Carers	Not relevant Information will be made available to all enquirers in the same way. There is no protection from discrimination on basis of care experience.	Carers of people with cognitive impairment, learning difficulties and sensory impairment may wish to access a version to suit the needs of the person for which they care so that person can understand their rights and participate in health and social care decision making. If alternate versions were not provided, this could make the carer's role as an advocate for the person for which they care more difficult.

Positive impact

Using the evidence you have collected, explain if and how your proposal could have a positive impact on reducing inequalities facing different groups. Some work will be broad and affect everyone working for us or using our services, but some may only affect specific groups of people. If this is the case, say 'not relevant' or 'no known relevance' if your proposal does not affect a group.

Relevant group	**Can your work advance equality of opportunity?** [reduce disadvantage, meet needs, increase participation]	**Can your work foster good relations?** [reduce prejudice + increase tolerance]
People in different age groups	The Midlothian IJB Publication Scheme 2023 will assist people in all age groups, but especially the young, to understand their rights which could increase participation and reduce disadvantage. The availability of different formats (large font, easy read) will assist those in older age groups to be able to participate more easier in discussions and decision making in health and social care.	The Midlothian IJB Publication Scheme 2023 could foster good relations between the IJB and people of all ages, improving mutual understanding.
Disabled people	The Midlothian IJB Publication Scheme 2023 will assist in increasing access and participation through enabling those with disabilities to access versions in a format that meets their needs. Participation in health and social care by these groups may reduce disadvantage over time, by ensuring their voices are heard during decision making.	Providing information in accessible formats fosters good relations by demonstrating IJB respect for the public and their diverse needs. This may boost good will and mutual understanding and reduce prejudice by breaking down assumptions and stereotypes.

Relevant group	**Can your work advance equality of opportunity?** [reduce disadvantage, meet needs, increase participation]	**Can your work foster good relations?** [reduce prejudice + increase tolerance]
Trans and non-binary people	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
People who are pregnant or on maternity leave	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
People from different ethnic backgrounds	It is possible this work will reduce disadvantage by enabling those from difference language backgrounds to engage in health and social care.	Documents can be made available in different languages at the enquirer's request
People with religious or protected beliefs	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
Men or women	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
People who are heterosexual, lesbian, gay or bisexual	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.

Relevant group	**Can your work advance equality of opportunity?** [reduce disadvantage, meet needs, increase participation]	**Can your work foster good relations?** [reduce prejudice + increase tolerance]
Care experienced people	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
People who experience health inequalities caused by socio-economic disadvantage	Eliminating costs on alternative formats may improve access to information to those on low incomes that require alternative formats, boosting their understanding of their rights, their participation and their voice in decision making.	Not relevant.
People who experience employment inequalities caused by socio-economic disadavantage	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.
Carers	Not relevant Information will be made available to all enquirers in the same way.	Not relevant Information will be made available to all enquirers in the same way.

Impact on UNCRC rights

Guidance pages 17, 21-22

Confirm whether your proposal affects children and young people (yes or no).

If yes, using the evidence you have collected explain how your proposal could impact Children's Rights. Not all UNCRC rights may apply to your proposal. If this is the case, simply say 'Not relevant' or 'no known relevance'. If your proposal does not affect children and young people do not complete this section.

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
3 – best interests of the child	Not relevant	Not relevant	Not relevant
4. making rights real	Not relevant	The Midlothian IJB Publication Scheme 2023 could improve access to information, understanding of rights and participation in health and social care for teenagers.	Not relevant
5 – family guidance as children develop	Not relevant	Not relevant	Not relevant
6 – life, survival and development	Not relevant	Not relevant	Not relevant

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
7 – name and nationality	Not relevant		
8 – identity	Not relevant		
9 – keeping families together	Not relevant		
10 - contact with parents across countries	Not relevant		
11 – protection from kidnapping	Not relevant		
12 – respect for children's views	Not relevant		

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
13 – sharing thoughts freely			
14 – freedom of thought and religion			
15 –freedom of association and peaceful assembly			
16 – protection of privacy			
17 – access to information		The Midlothian IJB Publication Scheme 2023 could improve access to information, understanding of rights and participation in health and social care for teenagers.	
18 – responsibility of parents			

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
19 – protection from violence			
20 – children without families			
21 – children who are adopted			
22 – refugee children			
23 – disabled children			
24 – enjoyment of the highest attainable standard of health		The Midlothian IJB Publication Scheme 2023 could improve access to information, understanding of rights and participation in health and social care for teenagers. This could enable a generation of young people to feel	

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
		empowered to influence their own health and social care and get involved in decision making.	
25 – review of a child's placement			
26 – social and economic help			
27 – food, clothing and safe home			
28 – access to education			
29 – aims of education			

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
30 – minority culture, language and religion			
31 – rest, play, culture, arts			
32 – protection from harmful work			
33 – protection from harmful drugs			
34 – protection from sexual abuse			
35 – prevention of sale and trafficking			

UNCRC right	How will your work limit or restrict this right?	How will your work progress this right?	Are any groups of children particularly impacted
36 – protection from exploitation			
37 – children in detention			
38 – protection in war			
39 – recovery and reintegration			

Making a difference Guidance pages 11 & 15

What changes will you make to your proposal based on the results of this impact assessment?

Changes	What difference this will make
Midlothian IJB Publication Scheme 2023 has been renamed (addition of plain English sub heading 'Guide to Information') and adjusted to satisfy the requirements of the ICO's Model Publication Scheme 2021 and appeal more to the public. Language has been adjusted, where possible without straying from ICO Model Publication Scheme 2021, to be clear about what the Publication Scheme is, who it is for and what rights people have to access the information that is signposted.	This approach is a plain English approach, and best practice for all public facing documentation. The Midlothian IJB Publication Scheme 2023 should be better understood by a broader range of people than the 2019 version. This may help people to understand their right to information and participation in health and social care, allowing the public to engage with and shape services and strategy, and to make more informed choices in their own care. The new approach helps to include those with less proficient literacy and learning difficulties.
The Midlothian IJB Publication Scheme 2023 will be formatted in a way that works with assistive technologies. The Public Engagement Officer will discuss how best to highlight that this has been done to the public (e.g. adding a statement on the webpages that links to the document).	Those that use assistive technologies to read information on a screen will be able to read all information in the document, improving their access.
The Midlothian IJB Publication Scheme will translate the line in the document that mentions that the documents signposted can be translated into any languages other than English that are statistically known to be spoken in Midlothian.	This will help those that could benefit from translations, including those from black and ethnic minority backgrounds (some of which are protected under Equality Act 2010 under race) to understand their rights to access information and to participation in health and social care decision making.
In a change from Midlothian IJB publication scheme 2019, costs for alternative formats have been removed.	Removing charges ensure everyone can access formats that meet their needs. It particularly assists in the protection of the rights of people who experience inequalities caused by socio-economic

Changes	What difference this will make
	disadvantage/low income from being prevented or discouraged from requesting information in the formats that suit their needs.
An easy read version should be produced to satisfy the needs of a range of people covered under Equality Act 2010 (protected characteristic: disability) and others not covered under that definition, but who could benefit from a more concise, more visual presentation.	An easy read version may assist people with visual and cognitive impairment, learning difficulties and lower literacy to understand the Publication Scheme document and the information that they can access through the IJB.
The Midlothian IJB Publication Scheme 2023 should be recorded in British Sign Language (visual) and the video posted alongside the written version.	This recognises British Sign Language as a language and respects it may be some people's primary/only language. It allows users to better understand their rights to participate with health and social care decision making.
After consideration and approval at IJB senior meetings, this IIA will be published online for public view. In order that the IIA be readable to the greatest number of people, the content will be adjusted to plain English.	This is to ensure that people that are interested in understanding IJB consideration for access can understand the content of the IIA in lay terms.

Sharing with decision-makers Guidance page 23

Explain how you will make sure the results of your impact assessment will be taken into account by decision-makers before a final decision is taken.

This IIA will be presented to the Integration Manager, for consideration and reflection. The Integration Manager will take the IIA and present it to the IJB. These documents will also be discussed at the IJB Audit & Risk Committee.

Midlothian Health and Social Care's Equality and Human Rights Lead will work with the Integration Manager to answer any questions that arise from the IIA entering the IJB and Audit and Risk Committee and will create a plan to implement all agreed recommendations.

Monitoring the impact Guidance page 24

How will you monitor the actual impact of this piece of work on equality, socio-economic disadvantage or children's rights?

Performance Indicator for equality, socio-economic disadvantage and children's rights.	What impact are you measuring
Community representatives/third sector partner organisations will be asked for feedback or to test whether the wording and format/s are suitable for the people that they represent. The Equality and Human Rights Lead will collate responses, make changes or escalate to senior committees as necessary.	Readability and access for: Vision impaired. Cognitive impaired. People with learning difficulties. Lower levels of literacy. People in older age groups.
The Midlothian Health Inclusion Team will be consulted to check that wording and format/s are suitable for the people that use their services. The Equality and Human Rights Lead will collate responses, make changes or escalate to senior committees as necessary.	Readability and access for: People experiencing homelessness or other situations that lead to a complex living situation.

	People experiencing drug and alcohol misuse issues. People belonging to the Gypsy/Roma/Traveller community.
Any feedback received from the public regarding the IJB Publication Scheme 2023 will be collated and evaluated by the Equality and Human Rights Lead, and actions/escalation taken where needed.	Readability and access for anyone that is interested to see the information and had encountered a barrier not identified in this IIA.