

Equality, Human Rights and Fairer Scotland Duty Impact Assessment

Stage 3

Analysis of findings and recommendations

Report Title

Please detail a summary of the purpose of the proposal being developed or reviewed including the aims, objectives and intended outcomes

The "Moving On Policy" provides a structured approach to support individuals as they transition from temporary or short-term care arrangements—such as rehabilitation following hospital discharge, intermediate care, respite stays, or interim placements—into longer-term, more appropriate accommodation that better suits their ongoing care needs. The policy ensures that these transitions are managed with dignity, safety, and continuity of care, helping people move from higher-intensity support settings to environments that promote independence, stability, and wellbeing. The policy aims are to ensure individuals leave services in a dignified manner whilst maintaining the safety and care of individuals during the transition process. Planned transitions will be facilitated wherever possible, with adequate preparation and support tailored to the individual's needs. The policy aligns with national health and social care standards as set out in My Support, My Life, and with the Competition and Markets Authority UK guidance on consumer law (2018), ensuring that individuals are treated fairly and transparently throughout the process.

In recognising the potential impact on protected characteristics—particularly age—the policy approach will be mindful of how transition planning affects older adults and other vulnerable groups. It will promote equitable access to appropriate care settings, uphold individual rights, and ensure that decisions are made in partnership with the person, their family, or legal representatives (e.g. Power of Attorney or Guardianship), respecting their preferences while balancing clinical and financial considerations.



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The intended outcomes are to ensure continuity of care and support during and after the transition. Flexibility to meet individual needs and preferences during the transition are an essential ingredient reenforced by clear discharge plans for individuals in intermediate care facilities. An emphasis will be place on maintaining continuity of care and support during and after the transition ensuring effective referrals to future care providers and ongoing support services. The principal outcome of the policy is that individuals experience a smooth and safe transition to new services or environments.



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Section 1: Equality Act 2010 – Relevant Protected Characteristics as identified in Stage 1 or during Stage 2

Protected Characteristic	Equality Duty	What impact and or difference will the proposal have	Measures to evaluate/mitigating actions
Age	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	None Identified at this time	None identified this time.
	Advancing equality of opportunity	Differing needs, wishes and aspirations from those aged 65 and over- improved access to appropriate care including	Consultation event with Borders Carer Voice Discussion with Care Inspectorate regarding a variation to lower the age limit



		<p>assuring the most suitable setting based on assessed need.</p> <p>Current residential services registered to care for older people</p>	
	Fostering good relations by reducing prejudice and promoting understanding	Reducing prejudice by challenging assumptions about older adults capabilities and preferences. Promotes understanding by encouraging staff to recognise diverse experiences and needs of individuals, including those related to age and caring responsibilities.	None Identified at this time
Disability	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	None Identified at this time	None Identified at this time
	Advancing equality of opportunity	<p>Care home accommodation and home environments may not always be suitable for individuals who rely on specialist wheelchairs or equipment. The Moving On Policy addresses this by ensuring that a comprehensive assessment is carried out, which includes evaluating both the physical environment and the specific equipment required to meet the individual's needs.</p> <p>This policy makes a tangible difference by:</p> <ul style="list-style-type: none"> - Triggering timely reassessments when a service user's condition changes, ensuring that their evolving needs—including equipment and environmental suitability—are reviewed by qualified professionals such as Health or Social Work staff. 	<p>Assessment</p> <p>Equipment Referrals</p>



		<p>- Empowering care staff to initiate referrals to the Community Care Reviewing Team or locality Social Work office, who then coordinate appropriate assessments and support planning.</p> <p>- Upholding the Equality Act 2010, particularly in relation to disability, by ensuring that no individual is disadvantaged due to inaccessible environments or lack of suitable equipment. This is explicitly recognised in the Equality Impact Assessment documentation.</p> <p>The policy also supports fostering good relations by promoting understanding of diverse needs and reducing prejudice—ensuring that individuals with mobility challenges are not marginalised due to environmental barriers.</p>	
	Fostering good relations by reducing prejudice and promoting understanding	<p>The Moving On Policy upholds the Equality Act 2010 by actively ensuring that individuals are not discriminated against on the basis of disability, in line with Articles 1 and 14 of the Human Rights Act. These articles affirm the right to enjoy all rights and freedoms without discrimination and to be treated with dignity and respect.</p> <p>The policy achieves this by:</p> <ul style="list-style-type: none"> • Embedding Equality Impact Assessment (EIA) into its development and implementation: A full Integrated Impact 	Assessment Regular Review



		<p>Assessment (IIA) was conducted in accordance with statutory obligations under the Equality Act 2010 and the Fairer Scotland Duty. This assessment scoped the policy's relevance to equality and socio-economic outcomes and evaluated its impact on protected characteristics, including disability.</p> <ul style="list-style-type: none"> • Designing inclusive discharge planning processes: The policy ensures that individuals transitioning from premises-based services—such as care homes or intermediate care—are supported through a person-centred approach. This includes assessing the suitability of home or care environments for specialist equipment and mobility needs, thereby reducing the risk of indirect discrimination. • Providing mechanisms for redress and safeguarding: The policy introduces escalation procedures and access to advocacy services, ensuring that individuals with disabilities can raise concerns and have their rights upheld during transitions. • Promoting transparency and accountability: The IIA was signed off by 	
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		<p>the Service Director and published on the Council's website, demonstrating a commitment to openness and compliance with equality legislation.</p> <ul style="list-style-type: none"> Aligning with national standards and regulatory guidance: The policy reflects the principles of the Care Inspectorate, Competition and Markets Authority, and national health and social care standards, reinforcing its legal and ethical foundations. 	
Gender	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	Promoting equitable access to care services regardless of gender	
	Advancing equality of opportunity	Recognising that woman may face additional barriers in accessing services due to caring responsibilities or financial constraints.	Carers Assessment LAC Referrals
	Fostering good relations by reducing prejudice and promoting understanding	<p>Supporting awareness-raising activities that highlight the diverse experiences of men and women in the care system means actively promoting understanding of how gender influences individuals' roles, challenges, and access to support within care environments. These activities aim to:</p> <ul style="list-style-type: none"> Challenge gender-based assumptions—such as the expectation that women naturally assume unpaid caring 	Staff Training Trusted Assessment



		<p>roles, which can limit their access to employment and education opportunities.</p> <ul style="list-style-type: none"> • Recognise underrepresented experiences—for example, men may not be expected to take on caring roles, which can affect their ability to access respite or support services. • Promote gender equality in service design and delivery—by ensuring that both men’s and women’s perspectives are considered in policy development, staff training, and care planning. • Empower carers through visibility and advocacy—such as promoting the Carers Positive Award and engaging with statutory sectors, educational institutions, and employers to raise awareness of unpaid carers’ rights and contributions. <p>These activities contribute to the public sector equality duty by fostering good relations between people who share a protected characteristic (gender) and those who do not, and by advancing equality of opportunity through inclusive practice and representation.</p>	
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Gender Reassignment	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	None Identified at this time	
	Advancing equality of opportunity	None Identified at this time	
	Fostering good relations by reducing prejudice and promoting understanding	None Identified at this time	
Marriage and Civil Partnership	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	No assumptions are made about decision making capacity or preferences based on marital status	Assessment
	Advancing equality of opportunity	Recognising the role of spouses and civil partners in supporting individuals through transitions. Ensuring support planning considers the impact of moves on family life and relationships, particularly where one partner remains in the community. Consideration given to geography and availability of services.	Assessment Advocacy Cares Assessment Transport Services
	Fostering good relations by reducing prejudice and promoting understanding	Promoting understanding among staff around the rights of individuals in civil partnerships and marriages	Person Centred Support Planning
Pregnancy and Maternity	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	None identified at this time	
	Advancing equality of opportunity	None identified at this time	
	Fostering good relations by reducing prejudice and promoting understanding	None identified at this time	



Race	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	None identified at this time	
	Advancing equality of opportunity	None identified at this time	
	Fostering good relations by reducing prejudice and promoting understanding	None identified at this time	
Religion & Belief including non-belief	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	None identified at this time	
	Advancing equality of opportunity	None identified at this time	
	Fostering good relations by reducing prejudice and promoting understanding	None identified at this time	
Sexual Orientation	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	None identified at this time	
	Advancing equality of opportunity	None identified at this time	
	Fostering good relations by reducing prejudice and promoting understanding	None identified at this time	

Section 2: Equality and Human Rights Measurement Framework Human– Reference those identified in Stage 1

Domain	Indicator	Enhancing or Infringing	Impact and or difference will the proposal have	Measures to evaluate/mitigating actions
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Education	Higher education and lifelong learning			
Work	Employment Earnings Occupational segregation Forced Labour and trafficking*			
Living Standards	Poverty Housing Social Care	Both	The intention is positive in terms of people receiving the most appropriate care in the most appropriate service however, the person choice of the individual or their families/Power of Attorney/Guardianship to remain in the interim placement may result in this new model being viewed as negative.	Assessment Safeguarding
Health	Social Care Health outcomes Access to health care Mental health Reproductive and sexual health* Palliative and end of life care*	Enhancing	Promoting continuity of care and reducing the risk of readmission to hospital Supporting recovery and rehabilitation in environments tailored to individual needs Helps to free up acute care beds and ensures individual are not delayed in the service unnecessary – promotes patient flow. Encourages equitable access to ongoing care and support services, particularly for those with complex needs. Ensuring that care settings are equipped to provide compassionate, person-centred palliative care. Respecting individual preferences and involving families in planning, which aligns with the Health and Social Care Standards and legal protections.	Ensure accessible communication formats (easy read, translation, etc.) Involve advocacy services in planning and review Monitor outcomes by protected characteristics Provide training for staff on equality and human rights Establish clear escalation procedures for disputes or concerns



			Emphasises dignity, planning, and continuity of care. Includes safeguards for unplanned discharges and interim care.	
Justice and Personal Security	Conditions of detention Hate crime, homicides and sexual/domestic abuse Criminal civil justice Restorative justice Reintegration, resettlement and rehabilitation*			
Participation	Political and civic participation and representation Access to services Privacy and surveillance Social and community cohesion* Family Life*			

Section 3: Fairer Scotland Duty

Identify changes to the strategic programme/proposal/decision to be made to reduce negative impacts on equality of outcome and or improving health inequalities	Clear discharge planning and continuity of care – the policy mandates early and coordinated discharge planning, particularly for intermediate care facilities. This ensures that transitions are not delayed due to socio-economics barriers and that care packages are re-established promptly. Emphasis is placed on maintain continuity of care and support during and after transitions, reducing the risk of health deterioration or readmission.
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	<p>The policy introduces flexibility in planning to accommodate individual preferences, cultural needs and financial circumstance. This includes consideration of transport access, proximity to family and the suitability of accommodation.</p> <p>The policy introduces escalation procedures for disputes or concerns, ensuring that individuals and families have a clear route to raise issues and seek redress.</p>
Identify the opportunities the strategic programme/proposal/decision provides to reduce or further reduce inequalities of outcome and or improving health inequalities	<p>Improved continuity of care, including flexible person-centred transitions.</p> <p>Enhanced Data use to Target inequality – builds on data from MOSAIC, delayed discharge records and financial assessments to identify and address gaps in service access and outcomes for specific groups.</p>

Section 4: Are there any negative impacts with no identified mitigating actions? If yes, please detail these below:

None identified at this time

Section 5: Equality, Human Rights & Fairer Scotland Duty Impact Assessment Recommendations

What recommendations were identified during the impact assessment process:

Recommendation	Recommendation owned by:	Date recommendation will be implemented by	Review Date
Ensuring detailed and appropriate information about the policy and its implications for individuals are included in the Information Leaflet given to people prior to using the service.	Susan Davidson	31.05.25	31.05.26, or sooner if significant issues arise



Ensuring signposting for advocacy is made available and clear within the policy.	Mark Chandler	31.05.25	31.05.26, or sooner if significant issues arise
Ensuring clear and consistent communication with service users and families.	Mark Chandler	31.05.25	31.05.26, or sooner if significant issues arise

Section 6: Monitoring Impact – Internal Verification of Outcomes

How will you monitor the impact this proposal affects different groups, including people with protected characteristics, communities experiencing inequalities and people with lived experience?

Ongoing engagement with people with lived experience – consultation with groups such as Broders Carer Voice
 Future engagement will continue through feedback loops, including service user reviews and carer forums
 Regular audits of discharge planning and outcomes.
 Feedback from service users and carers.
 Equality monitoring data (e.g., age, disability, gender).
 Review of complaints or incidents related to moving on.
 Monitoring staff training.
 Use data gathering to track impact of policy on different groups (MOSIAC, Discharge Records and Total Mobile)

Section 7: Procured, Tendered or Commissioned Services (SSPSED)



Is any part of this policy/service to be carried out wholly or partly by contactors and if so, how will equality, human rights including children's rights and the Fairer Scotland duties be addressed?

Commissioned services are monitored by the Strategic Commissioning Board through contractual performance reviews that include equality and human rights indicators.

Section 8: Communication Plan (SSPSED)

Please provide a summary of the communication plan which details how the information about this policy/service to young people, those with a visual or hearing sensory impairment, difficulty with reading or numbers, learning difficulties or English as a second language will be communicated.

Accessible Information Leaflets- Easy Read versions, Large Print and audio formats, British Sign Language Videos and translated versions
Inclusive language and visual aids – all material will be plain English and no jargon. Visual aids such as diagrams and pictograms could be used to support understanding.
Support from Advocacy and Interpreting service and Local Area Coordinator services.
Staff Training
Feedback and Review

Signed Off By:

Name Joint Executive Team

Date

