



## Equality Impact Assessment of Draft Strategic Plan 2020-23

### Name of policy

Scottish Land Commission Draft Strategic Plan 2020-23

### Background

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 sets out the duty requiring public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. The equality duty is to integrate consideration of equality and good relations into the day-to-day business of public authorities with equality considerations reflected into the design of policies and the delivery of services.

Compliance with the public sector general equality duty is a legal obligation. The equality duty is applicable to the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The equality duty also covers marriage and civil partnerships, with regard to eliminating unlawful discrimination in employment.

The Scottish Land Commission is not listed within the regulations or the schedule of the Act and therefore does not need to comply with the specific duties, such as carrying out an Equality Impact Assessment. Although there is no specific requirement under the general equality duty to assess the impact of policies or practices, the principles of assessing impact is useful in helping us to meet the requirement to pay due regard to the needs of the general equality duty.

### Assessing impact

To actively consider how our strategic plan will meet the requirements of the general equality duty we followed the guidance set out in the Equality and Human Rights Commission's publication [Assessing impact and the Public Sector Equality Duty: a guide for public authorities \(Scotland\)](#).

The starting point for assessing impact is the three needs of the duty:

- ensuring that the policy does not discriminate unlawfully
- considering how the policy might better advance equality of opportunity
- considering whether the policy will affect good relations between different groups.

The impact of the policy on equality groups should be assessed under each need of the duty. Assessing this impact will help us to meet the general equality duty.

## Overview of the draft strategic plan

The vision of the draft strategic plan is 'a fair, inclusive and productive system of ownership, management and use of land that delivers greater benefit for all the people of Scotland'. To help achieve this there are three outcomes the plan is working towards:

- Scotland's land is owned and used in ways that are fair, responsible and productive
- More of Scotland's people are able to influence and benefit from decisions about land
- The way we own and use Scotland's land is creating public value and economic wellbeing.

The outcomes contribute to the Scottish Government's [National Performance Framework](#) and the United Nations [Sustainable Development Goals](#).

The draft plan focuses on three areas to achieve the outcomes:

- Modernising land rights - modernising the governance of land rights and ownership to drive community and economic resilience, productivity and reduce inequalities
- Embedding responsible land ownership and use - embedding accountability and promoting responsible approaches to land ownership and use.
- Reforming land markets - the ways in which the value and benefits of land are created and shared to support a fair and productive economy.

The draft plan sets out how the Commission will deliver the outcomes through combining leadership and non-regulatory culture change with statutory functions to review and advise on legislative and policy change.

## Development of the draft strategic plan

In preparation of the strategic plan the Commission undertook extensive external engagement. The engagement process looked at the key land issues for stakeholders which helped develop the priorities. The strategic plan was also discussed at the public meetings the Commission held across Scotland with members of the public invited to comment.

A specific piece of engagement took place with young people to feed their priorities for land reform into the plan. During this engagement period the main point raised was in relation to broadening the audience to ensure a diverse range of opinions is taken into account.

## Impact of the draft strategic plan on equalities

Our core values underpin the work of the Commission and the draft strategic plan:

- Integrity – We work for and are accountable to the people of Scotland
- Challenge – We challenge ourselves and others to lead change
- Innovation – We develop ambitious and progressive thinking
- Empowerment – We motivate ourselves and others to realise Scotland's ambitions through land reform

The role of land and land reform in addressing inequality runs throughout the draft plan with the focus on land being owned and used in a fair way to benefit all of the people of Scotland.

The draft strategic plan is a high level document setting out the Commission's outcomes and activities for 2020-2023, the plan is supported by a programme of work which outlines the

priority areas of work over the three year period. The plan does not provide the detail of how these outcomes and activities are delivered.

In line with the Land Reform (Scotland) Act 2016 the Scottish Land Commission must have regard to the [land rights and responsibilities statement](#). The first principle of the statement is:

‘The overall framework of land rights, responsibilities and public policies should promote, fulfil and respect relevant human rights in relation to land, contribute to public interest and wellbeing, and balance public and private interests. The framework should support sustainable economic development, protect and enhance the environment, help achieve social justice and build a fairer society. Some of the most important commitments deal with human rights and with themes such as equality, dignity and social justice’

A key focus of the draft plan is the modernising of land rights which are central to the realisation of key human rights. The draft plan has been developed with regard to human rights, to make progress to realising the economic, social and cultural human rights which the Scottish Parliament has put at the heart of Scotland’s approach to land reform.

In this assessment we are considering the impact to all protected characteristics. The draft plan gives specific regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities through:

- Modernising land rights to develop policy proposals to stimulate a more diverse and productive pattern of land ownership
- Review new governance models that widen the range of people benefitting from land rights and stimulate greater productivity
- Broaden the participation in land use decision making and review ways to further embed land rights and responsibilities in public policy and in responsible business conduct across all relevant sectors
- To support a better functioning system of agricultural tenure through the functions of the Tenant Farming Commissioner
- To review ways in which land markets can operate more effectively in the public interest with more people benefitting
- Emphasis on the Commission being an open and accessible public facing organisation, and to work in a collaborative way with strong networks across stakeholders
- The draft plan recognises the evolution of the Commission and our organisational structure to create a culture of shared leadership and responsibility.

The draft plan seeks to promote diversity in land ownership and diversity in participation in making decisions about land use. It is important that in seeking these objectives externally that we practice the approach internally both operationally and through engagement, building on training and development of equality for staff.

## **Conclusion**

Following the above assessment, we believe the draft strategic plan is likely to have positive consequences by increasing equality of opportunity and we do not consider that it will have a negative impact on protected characteristics.

The plan could however benefit from strengthening our commitment to equality and we will introduce text in relation to broadening our engagement and reinforcing this through training and development for staff and Commissioners.