

## EQUALITY IMPACT ASSESSMENT - RESULTS

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| <p><b>Title of Policy</b></p>                                | <p>The Crofting Commission (Elections) (Scotland) Amendment Regulations 2016</p>  |
| <p><b>Summary of aims and desired outcomes of Policy</b></p> | <p>The purpose of the Crofting Commission Elections 2017 is for crofters to elect 6 Commissioners (members) to the Crofting Commission Board. Crofting legislation provides that the Commission’s Board must have at least 2 Ministerial appointments and no more than 6 elected Commissioners. In total, its Board must have at least 5, and not more than 9 Commissioners, and a majority of Commissioners must be elected.</p> <p>These Regulations make amendments to the process for the elections as set out in the Crofting Commission (Elections) (Scotland) Regulations 2011. These changes relate to candidate eligibility, retention of documents, election expenses, vacancy filling and some other procedural matters related to the election.</p> |
| <p><b>Directorate: Division: team</b></p>                    | <p>Agriculture &amp; Land Reform Division - Agricultural Development &amp; Crofting Branch</p>  |

## Executive summary

The purpose of the Crofting Commission Elections 2017 is for crofters to elect 6 Commissioners (members) to the Crofting Commission Board. Crofting legislation provides that the Commission's Board must have at least 2 Ministerial appointments and no more than 6 elected Commissioners. In total, its Board must have at least 5, and not more than 9 Commissioners, and a majority of Commissioners must be elected.

These elections will enable the Crofting Commission to form a fully functional Board with which to carry out its regulatory and general functions.

Paragraph 7(6) of Schedule 1 of the Crofters (Scotland) Act 1993 (as amended) states that, before making regulations the Scottish Ministers must consult such persons or bodies as they think appropriate on the constituency boundaries to be used and the persons who are eligible to vote, in elections. Accordingly, a consultation paper was issued on 18 March 2016, seeking wider views on key aspects of the elections, with views invited by 22 June 2016.

The consultation was also circulated to recipients on the equality stakeholder list, and all the Councils which include crofting communities inviting recipients to put forward ideas about how to improve the diversity of the people standing for election.

The questions covered the following areas: constituencies, voter eligibility, candidate eligibility, elected commissioner vacancies, encouraging diversity, expenses, and business and regulatory impact.

Following a narrative on the importance of encouraging diversity these questions were asked in the consultation:

"Do you have any suggestions for how the diversity of the elected Crofting Commissioners can be increased?"

"Do you think that the crofting elections will have a particular impact on any equalities group?"

The Scottish Government received 15 responses to the consultation. 10 from individuals and 5 from organisations. The organisations which responded represented a range of stakeholders categories, such as local government, community company and representative bodies.

Prior to the consultation, the Scottish Government held meetings with the two representative bodies for crofters, NFUS and the Scottish Crofting Federation, to discuss various elements including how to encourage a diverse range people to stand as candidates, in particular women and young crofters.

Equality issues were considered during the consultation and policy development process. The Scottish Government is satisfied that this policy applies to all crofters equally, and makes no distinction on any of the equalities grounds included in this assessment.

## **Background**

The Crofting Commission fulfils a crucial role as the regulator of crofting, taking decisions in a transparent and consistent manner across all crofting areas. In 2012, the Commission gained new powers and a new way of selecting its Board, with the introduction of elected Commissioners, complemented by Scottish Ministers' appointed Commissioners. The 5 year term of Commissioners elected in 2012 will end on 16 March 2017.

In particular, the policy contributes to the following National Outcomes:

- “We realise our full economic potential with more and better employment opportunities for our people”;
- “We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others”; and
- "Our public services are high quality, continually improving, efficient and responsive to local people’s needs."

## **The Scope of the EQIA**

During the consultation process, no evidence was identified that indicated that the Regulations would have a differential or discriminatory impact on any persons with protected characteristics (as defined in section 4 of the Equality Act 2010).

Neither candidates nor voters will be asked for information that might identify them as a member of a group with protected characteristics, apart from their gender.

Candidates will be allowed to provide a statement in support of their candidacy, however, it must contain matters relating to the election only, and will be checked by the returning officer to ensure that it contains no defamatory or unlawful statement.

## **Key Findings**

A potential risk identified is that due to the election being undertaken by postal vote only, it cannot be guaranteed that the voter has not been influenced in some way and has been allowed to exercise a free choice when selecting a candidate. However, we see this as a low risk and no more of a risk than postal voting at any other election.

On the other hand, crofting, by its very nature, is spread throughout the Highlands and Islands rural and remote areas and the availability of postal voting allows more crofters to engage in the election process.

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In relation to an owner-occupied croft where there are two or more people who would be entitled to vote, those people are treated as a single elector under the one-croft- one-vote policy and must nominate who is entitled to vote. Although no evidence is available from the 2012 elections, and no comment on this point has been raised during the consultation process, this may lead to poorer representation for women. The Crofting Commission will gather evidence on this point during the 2017 election, and will provide the Scottish Government with their findings which will be considered in advance of the 2022 elections.

All marketing communications associated with the elections will consider, and encourage, all currently under-represented groups such as people with disability, women and young people.

For example, in our marketing communications our creative assets (posters, flyers, social media graphics) have been designed following the NFUS' Farming With Dyslexia 'Best Practice in Communications' guide to ensure the posters are suitable for people with dyslexia. This is because an estimated 25% of the target audience has dyslexia. We will use the guidance to direct design elements such as choice of typeface, font size, colour palette, layout and the amount of copy on the assets.

We will be providing written material as well as making films for Youtube which will be subtitled. This is to try and ensure we cover people with reading literacy and hearing issues.

In the imagery used in the marketing materials we will represent the age, gender and geographic diversity of crofters.

No significant impacts on any persons with protected characteristics have been identified as a result of the EQIA process for the Crofting Commission (Elections) (Scotland)

Amendment Regulations 2016 . There are no implications on costs or resources as a result of this EQIA analysis.

Therefore, the Scottish Government is satisfied that this policy applies to all crofters equally, and makes no distinction on any of the equalities grounds included in this assessment.

## **Recommendations and Conclusion**

The Scottish Government has concluded that no changes to the policy are necessary as a result of the EQIA, as the proposals in the Regulations apply equally to all crofters eligible to stand as a candidate and vote, and are considered to have no significant impact on the basis of the protected characteristics.

In recognition that the EQIA is an iterative process, the Scottish Government will continue to ensure that equality issues are fully taken into account during the election process.