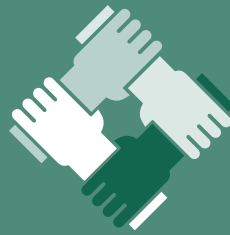# Briefing Sheet

17

Using intersectionality to improve EQIA outcomes for unpaid carers

AGE

RACE

GENDER REASSIGNMENT
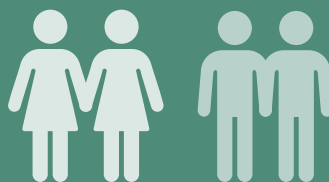
RELIGION OR BELIEF

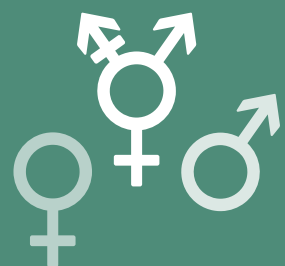MARRIAGE & CIVIL PARTNERSHIP

PREGNANCY & MATERNITY

DISABILITY

SEXUAL ORIENTATION

SEX (GENDER)

Introduction

The aim of the following paper is to provide a rationale on how the current Equality Impact Assessment (EQIA) could be strengthened by considering informal/unpaid carers alongside the nine existing protected characteristics.

There is a tendency to consider equality impact of unpaid carers with one or more protected characteristics solely in relation to unpaid carers policy. However, policies or functions in other fields such as employment, housing and education all have a clear impact and relevance to carers and this paper sets out the argument why these policy areas should consider unpaid carers alongside protected characteristics.

There is no prescribed method for assessing the impact of a proposed new or revised policy or function against the needs mentioned in the Public Sector Equality Duty. The process should however be designed to generate sufficient information to enable public bodies to fully consider the needs mentioned in the Public Sector Equality Duty. Hence, the Act does not impose a legal requirement to conduct an EQIA. However, compliance with the law involves consciously thinking about the aims of the Public Sector Equality Duty throughout the decision-making process that leads to policy. EQIAs are considered common practice as a way of having due regard to equality needs in policymaking.

The following paper will present the argument that the EQIA process can and should be strengthened. There is no consistent template used for EQIAs, but there is a clear tendency to consider equality implications of the protected characteristics in an isolated way and without consideration of how they interact and intersect with each other.

It is estimated by the Scottish Government that there are 700,000 to 800,000 unpaid carers across Scotland[1], and each of the nine currently recognised protected characteristics are represented within this figure. There are a number of barriers that exist within different policy areas that will have differential impacts for unpaid carers with various protected characteristics. This means not all unpaid carers will have the same experience.

Using intersectionality can help unpaid carers with protected characteristics by taking into account the impact of both being an unpaid carer with the barriers they face due to their demographic background. This will allow policymakers to help identify and protect from discriminatory measures, by ensuring that the needs of unpaid carers with differing protected characteristics can be more easily considered.

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[1] Scottish Government (2022), "Scotland's Carers Update Release: December 2022", **https://www.gov.scot/publications/scotlands-carers-update-release-december-2022/**

Legislative context

The Equality Act 2010 replaced the previous anti-discrimination laws with a single Act, and introduced nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation[2]. Further, the Act introduced the Public Sector Equality Duty (or General Equality Duty), which is a duty on public bodies to consider the needs of people with protected characteristics in their policymaking. This means that Scottish public authorities must have 'due regard' to the need to; eliminate unlawful discrimination, advance equality of opportunity, and foster good relations[3].

In 2012 further regulations were implemented in Scotland, which, through secondary legislation, placed specific duties on Scottish public bodies to help them meet the Public Sector Equality Duty. These are also known as the Scottish Specific Duties. The Scottish Specific Duties involves a duty to assess and review policies and practices against the needs mentioned in the Public Sector Equality Duty[4].

Intersectionality as a concept

The aim of intersectionality is to identify how different systems of inequalities can interact with one another, create distinct experiences, and sometimes compound themselves. It initially gained recognition in the 1970s within feminism[5] and as a concept has been applied in different fields since then[6]. By applying an intersectional approach, the researcher or policymaker tries to identify, understand, and tackle structural inequality by accounting for lived experiences of people with intersecting identities[7].

Several different definitions of intersectionality appear in the literature on the subject. In this paper, the definition by The Equality of Human Rights Commission will be applied:

> *"Intersectionality is an analytical tool that we use for the purpose of equality and human rights monitoring to show the distinct forms of harm, abuse, discrimination and disadvantage experienced by people when multiple categories of social identity interact with each other[8]."*

The concept has recently started to find its way into policymaking in Scotland, as the Scottish Government has produced an evidence synthesis of literature, which provides examples of the use of intersectionality in Scotland[9]. In a Scottish context, intersectionality is often applied with reference to the interactions between the nine protected characteristics. However, the publication also refers to examples where intersectionality has been applied to better understand lived experiences of inequality, such as socio-economic disadvantage, occupation, and care-experience[10].

2   Equality Act 2010, Part 2, Chapter 1, Section 4, **https://www.legislation.gov.uk/ukpga/2010/15/section/149**

3   Ibid., Part 11, Chapter 1, Section 149

4   The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, Regulation 5, **https://www.legislation.gov.uk/ssi/2012/162/regulation/5/made**

5   Crenshaw, Kimberlé Williams (1989). "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." University of Chicago Legal Forum 1989:139–67.

6   Bowleg L., Bauer G. (2016). "Invited reflection: Quantifying intersectionality". Psychology of Women Quarterly. 2016;40(3):337–341. doi: 10.1177/0361684316654282.

7   Center for Intersectional Justice, **https://www.intersectionaljustice.org/what-is-intersectionality**

8   Equality and Human Rights Commission (2017). "Measurement Framework for Equality and Human Rights". **https://www.equalityhumanrights.com/sites/default/files/measurement-framework-interactive_pdf.pdf**, pp. 52.

9   Scottish Government (2022), "Using intersectionality to understand structural inequality in Scotland: evidence synthesis". **https://www.gov.scot/publications/using-intersectionality-understand-structural-inequality-scotland-evidence-synthesis/**, p. 5.

10 Ibid., p. 3.

Women Thinking Equality – A case study on the use of intersectionality

Engender is a Scottish membership organisation that works to advance equality between men and women by producing research, lobbying decision makers and empowering women to campaign for change. While much of their work focuses on gender issues, they also produce research that take women's potential intersecting identities into account. An example of this is the set of brief papers 'Women Thinking Equality'.

The publications are based on sessions held between May 2008 and March 2009 (note: prior to the Equality Act), where Engender invited a group of women with additional protected characteristics to reflect on equalities from a gendered perspective. The women's reflections on the intersecting systemic discriminations resulted in a set of brief papers where gendered perspectives on age, disability, transgender, economics, religion or belief, sexual orientation, and race are explored. Further, the findings were summed up in a separate publication[11].

As a publication, 'Women Thinking Equality' was successful in demonstrating the strengths of utilising intersectionality, as it:

◗ Included issues of race, class, sexuality, etc in order to provide a fuller picture of gender issues;

◗ By including marginalised groups in their research, Engender widened the scope of the organisation's work;

◗ The reports showed identities intersect and potentially compound structural discriminations;

◗ By facilitating sessions where women from marginalised groups could have their voices heard, Engender included the women's personal experiences in the research;

◗ Engender also worked with BEMIS, an organisation which aims to empower the ethnic minority third sector, which meant that they were able to combine different expertise and perspectives to widen the scope of the work.

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[11] Engender (2009). "Women Thinking Equality: Summing Up". **https://www.engender.org.uk/content/publications/1433846824_WTE-The-Summing-Up.pdf**

'Unpaid carer' as an intersecting characteristic in the EQIA process

By applying an intersectional approach with being an unpaid carer being considered alongside protected characteristics, this can help ensure that the unique experiences that unpaid carers with protected characteristics can be better accounted for in EQIAs.

For instance, research by Carers UK from their "State of Caring 2022" report show that intersecting protected characteristics have different interactions with being an unpaid carer and can lead to alternative outcomes.[12] On finances for instance:

◗ 27% of unpaid carers said they were struggling to make ends meet;

◗ 37% of unpaid carers from Black, Asian and minority ethnic backgrounds were struggling to make ends meet;

◗ 44% of lesbian/gay and bisexual unpaid carers were more likely to be struggling to make ends meet.

Work from across the Third Sector show differential outcomes for unpaid carers of different protected characteristics, including unpaid carers with disabilities[13], unpaid female carers[14] and young carers[15]. By understanding these experiences and applying them in an intersectional way, EQIAs can be improved.

As a potential example of how this approach could be considered, a local authority may wish to fund a programme aimed at providing employability support. There is already a significant amount of data in the public domain regarding access to employment for unpaid carers already. For instance, only 50% of unpaid carers compared to 59% of non-carers are in employment[16]. By applying an intersectional approach when completing an EQIA however, we can see how the impact of being an unpaid carer alongside other protected characteristics can have on employment prospects. For the purposes of this exercise, we will look how this intersects with three of the protected characteristics – race, age and sex.

12 Carers UK (2022). "State of Caring 2022", p. 13. **https://www.carersuk.org/media/p4kblx5n/cukstateofcaring2022report.pdf**

13 Sense (2022). "Rising costs in the UK push more than half of disabled households into debt". **https://www.sense.org.uk/media/latest-press-releases/rising-costs-in-the-uk-push-more-than-half-of-disabled-households-into-debt/**

14 Engender (2014). "Engender Briefing 3 – Scotland's futures: Women and care". **https://www.engender.org.uk/content/publications/Engender-Briefing-3--women-and-care.pdf**

15 NHS England and Ipsos MORI (2007–2016), The GP Patient Survey. **https://www.gp-patient.co.uk**

16 Carers Scotland (2023), "State of Caring 2023: The Financial Impact of Caring", **https://www.carersuk.org/media/3lefblsc/state-of-caring-in-scotland-2023-finances-fv.pdf**

Protected characteristic	5	+ unpaid carer
Race	The ethnicity employment gap in Scotland in 2019 was 16.4% for BME people[17]. The pay gap for BME people was 10% less than their white counterparts[18]. Minority ethnic groups more than twice as likely to be in poverty than majority ethnic population[19]. Unemployment levels differ depending on ethnic background[20]: • African 22% • White: Gypsy/Traveller 18% • Arab 17% • Caribbean or Black 16% • Pakistani 13% • Chinese 12% • Bangladeshi 11% • Indian 9% • White: Scottish 8% • White: Irish 7% • White: Other British 6% • White: Polish 6%	BME unpaid carers are known to be less likely to be retired, due to less likely to be aged over 65[21]. 49% of BME unpaid carers have had their work or chances of employment adversely affected by their caring role[22]. 20% of BME unpaid carers have reported being entirely dependent on welfare benefits[23].

17   Scottish Parliament Equalities and Human Rights Committee (2020), "Race Equality, Employment and Skills: Making Progress?", **https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRiC/2020/11/15/Race-Equality--Employment-and-Skills--Making-Progress-/EHRiCS052020R3.pdf**

18   Ibid.

19   Scottish Government (2016), "Race Equality Framework for Scotland", **https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2016/03/race-equality-framework-scotland-2016-2030/documents/00497601-pdf/00497601-pdf/govscot%3Adocument/00497601.pdf**

20   Ibid.

21   Carers UK (2022), "State of Caring 2022: A snapshot of unpaid care in the UK", **https://www.carersuk.org/media/vgrlxkcs/soc22_final_web.pdf**

22   MECOPP (2017), "Informal Caring within Scotland's Black and Minority Ethnic Communities", **https://static1.squarespace.com/static/62f4f5fa696d570e19a69429/t/6397558e2f0aca3c17eed4f5/1670862226396/Briefing+sheet+03.pdf**

23   Ibid.

Protected characteristic	6	+ unpaid carer
Sex	The employment gap for employment rate between males and females is 6.3%[24]. Females often find themselves in roles that pay a lower amount than males, leading to the gender pay gap which sits around 15%[25]. Data shows that females accessing modern apprenticeships in Scotland are more likely to be applying for roles in lower paid fields such as early years and hairdressing whereas males are more likely to access higher paid roles such as engineering and construction.[26] Access to childcare acts as a barrier for many females for working and less than 15% of local authorities have sufficient childcare for parents who work full time[27]. Part time employment is 41.2% for females compared to 12.4% for males[28]. Females are more likely to be underemployed (working less hours than desired) than males at 7.5% for females compared to 6.7% for males.[29]	The majority of unpaid carers are females and females are known to be twice as likely as males to give up paid work to care[30]. 80% of working age unpaid carers are female[31]. 61% of unpaid carers who have given up career prospects in a survey were shown to be female[32].

[24] Scottish Government (2019), "Scotland's Labour Market: People, Places and Regions", **https://www.gov.scot/binaries/content/documents/govscot/publications/ statistics/2020/05/scotlands-labour-market-people-places-regions-statistics-annual-population-survey-2019/documents/scotlands-labour-market- people-places-regions/scotlands-labour-market-people-places-regions/govscot%3Adocument/scotlands-labour-market-people-places-regions.pdf**

[25] Engender (2016), "Unblocking the Pipeline: Gender and Employability in Scotland", **https://www.engender.org.uk/content/publications/Unblocking-the-Pipeline- --Gender-and-Employability-in-Scotland.pdf**

[26] Ibid.

[27] Ibid.

[28] Scottish Government (2019), "Scotland's Labour Market: People, Places and Regions".

[29] Scottish Government (2019), "Scotland's Labour Market: People, Places and Regions".

[30] Ibid.

[31] Scottish Government (2023), "Carers Census, Scotland, 2022-23", **https://www.gov.scot/publications/carers-census-scotland-2022-23/**

[32] Carers Scotland (2022), "State of Caring 2022: A Picture of Unpaid Caring in Scotland", **https://www.carersuk.org/media/yswdcjur/state-of-caring-2022-a- snapshot-of-unpaid-caring-in-scotland-final.pdf**

Protected characteristic	7	+ unpaid carer
Age	Young people (16-24) provide comparatively high numbers in sectors such as "Accommodation and Food Services", "Wholesale, Retail, Repair of Vehicles."[33] Workers aged 50 and over provide higher numbers in "Agriculture, Forestry and Fishing" and "Transport and Storage."[34] Employment rate for different age groups[35]: • 16-24 – 57.9% • 25-34 – 81.6% • 35-49 – 84% • 50-64 – 70.5% • 65+ – 8.7% People aged 16-24 are more than twice as likely to be underemployed (working less hours than desired) at 16.6% compared to an average of 7.1%[36]. Youth (16-24) unemployment rate in 2019 in Scotland was 8.3% compared to average of 3.5%[37]. Economic inactivity has increased for people aged 16-24, decreased for those who are 50-64 and remained static for other age groups[38].	According to young carers who responded to a survey by Carers Trust Scotland, 57% of them felt their caring role would impact their ability to get a job in the future[39]. Young adult carers either in work or not in education, employment and training (NEET) surveyed by Carers Trust indicated a number of barriers[40], including: • 49.6% were unemployed. • 28% reported their highest qualification being GCSE D-G, the most common answer provided. • On average, those in work had been absent for 17 days per year.

[33] Scottish Government (2019), "Scotland's Labour Market: People, Places and Regions".
[34] Ibid.
[35] Ibid.
[36] Ibid.
[37] Ibid.
[38] Ibid.
[39] Carers Trust Scotland (2023), "Scottish Young Carers Festival 2023 Report", **https://carers.org/downloads/sycf-2023-final-report.pdf**
[40] Carers Trust (2014), "Young Adult Carers and Employment", **https://carers.org/downloads/resources-pdfs/young-adult-carers-and-employment.pdf**

While this is designed to provide an example looking at how this works with three protected characteristics, it already provides an example of how using this intersectional approach could work.

For race, BME people earn less and are more likely to be unemployed than white people, showing that there needs to be work to resolve this. When looking at BME people who are also unpaid carers, the data shows that more BME people who are unpaid carers are in employment age than for white people, and there is issues with employment levels and impact of their role, which further underscores the importance of providing extra support to advance equality of opportunity with people with these intersecting characteristics.

Likewise, for females, they are likely to be paid less, give up work opportunities for childcare and take on less well-paid roles. For females who are unpaid carers, they make up the majority of unpaid carers and are more likely to have given up on career prospects than males. Once again, this indicates that when taking on employability programmes, using an intersectional approach shows that female unpaid carers are likely to face exacerbated barriers and efforts to help overcome these barriers can be identified and tested.

Finally, in terms of the characteristic of age, there are barriers for people in older age brackets, but those in the 16-24 age bracket face issues of lower employment, underemployment and also seeing employment focused on certain sectors. When adding being unpaid carers as an intersecting characteristic, there are greater challenges in both gaining and maintaining employment, due to caring responsibilities and also the impact of caring on qualifications. Once again, there should be consideration of looking at measures to advance equality of opportunity in employability schemes.

It should be noted that an absence of data does not mean there should be an absence of work on this. For many of the protected characteristics there might not be the necessary data, and in those situations, work should be commissioned to fill in the gaps.

As a final note, when completing this work, it is also worth considering the impact of being an unpaid carer, and then adding the protected characteristics in addition to that too, as opposed to the methodology used in the table above which looked at protected characteristic first and then added being an unpaid carer second. The benefit would be to demonstrate the impact of being an unpaid carer initially for all unpaid carers and then seeing the intersectional impact of the various protected characteristics.

Data sources for unpaid carers

Useful data sources to help analyse the impact of policy on carers from an intersectional perspective include:

◗ Carers Census, Scotland – **https://www.gov.scot/publications/carers-census-scotland-2022-23/**

◗ Scotland's Census – **https://www.scotlandscensus.gov.uk/**

◗ Carers Scotland State of Caring Reports – **https://www.carersuk.org/scotland/policy-and-research/state-of-caring-survey/**

◗ MECOPP Briefing Sheets – **https://www.mecopp.org.uk/resources/briefing-sheets**

Conclusion and Recommendations

To sum up, the EQIA process could be improved with a strengthened focus on intersectionality, rather than the current practice, where the nine protected characteristics tend to be considered in an isolated way. By adding 'Unpaid Carer' as a tenth protected characteristic, this would also improve the process. This would ensure that the needs of both unpaid carers as a whole and those with intersecting identities will be considered.

The following recommendations can be considered:

◗ Public institutions should take intersecting identities into account when collecting and providing data.

◗ Intersectionality should be considered in the development of EQIAs to avoid overlooking compounded inequalities due to an isolated approach.

◗ Being an unpaid carer should be considered an intersecting identity that, in combination with one or more protected characteristics, can create distinct experiences.