27th August 2015

Dear Rob,

Common Agricultural Policy (Direct Payments etc) (Scotland) Amendment Regulations 2015 (SSI 2015/215)

Thank you for your letter of 24 June following the Committee’s consideration of the above instrument at its meeting on 24 June.

The Committee is interested in seeing the Equality Impact Assessment (EQIA) that was undertaken prior to the principal instrument, Common Agricultural Policy (Direct Payments etc) (Scotland) Regulations 2015 (SSI 2015/15), which applies equally to the amendment, and this is attached in the annex to this letter. I understand the Committee tried to locate it on the Scottish Government website and were not able to do so. I am sorry about that but you will be please to know that steps are now being taken to correct this oversight.

RICHARD LOCHHEAD

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Rùnaire a’ Chaibineit airson Cùisean Dùthchail, Biadh agus an Àrainneachd
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EQUALITY IMPACT ASSESSMENT - RESULTS

<table>
<thead>
<tr>
<th>Title of Policy</th>
<th>The Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 (SSI No 58 / 2015)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary of aims and desired outcomes of Policy</td>
<td>A new direct payments system for farmers replacing the Single Farm Payment Scheme (SFPS) in 2015. This instrument primarily makes provision in Scotland for the implementation of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing the rules for direct payments to farmers within the framework of the Common Agricultural Policy (CAP), together with certain decisions that are at the discretion of the Scottish Ministers.</td>
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<tr>
<td>Directorate: Division: Team</td>
<td>Directorate for Agriculture, Food, and Rural Communities; Rural Payments &amp; Inspections Division; Direct Payments Team.</td>
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</table>

Executive Summary

The Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 (SSI No 58 / 2015) implements a new direct payments system for farmers replacing the Single Farm Payment Scheme (SFPS) in 2015.

The decisions now being implemented emerged after a public consultation exercise that ran from 17 December 2013 to 28 March 2014. The Scottish Government made strenuous efforts to engage with a wide range of potentially interested individuals and groups. All 22,000 farmers etc registered with the Rural Payments & Inspections Division were contacted by letter and invited to contribute to the consultation. In additions, all 27 bodies on the CAP Stakeholder
Group were alerted: this included farming bodies such as Scottish Tenant Farmers Association, the National Farming Union of Scotland, the Scottish Agricultural Arbiters and Valuers Association, and Scottish Land and Estates, as well as non-farming bodies such as Cairngorm National Park Authority, Convention of Scottish Local Authorities (CoSLA), Committee of Scottish Clearing Banks (CSCB) and Scottish Enterprise.

There were around 500 responses with 83% of those being from individuals and the balance from interested groups. Of those responding, 330 described themselves as farmers with 63 classing themselves as crofters: both these groups are the intended beneficiaries of the new policy. Threes respondents described themselves as contractors and 15 as NGOs.

Respondents to the consultation did not raise any potential disadvantages to persons with protected characteristics (as defined in section 4 of the Equality Act 2010). Neither were any significant issues raised as a result of the EQIA carried-out and the process did not identify any persons being affected less favourably due to any of the protected characteristics.

The Scottish Government is making available clear and widely accessible guidance on all aspects of the new support regime.

**Background**

The new support regime contributes to the National Outcome: “We live in a Scotland that is the most attractive place for doing business in Europe”. In a practical sense, the direct payment regime will provide income support to farmers and crofters across Scotland who benefited from the existing regime (c.18,500) although there is the expectation that certain policy decisions by Scottish Ministers (e.g. permitting wider access to allow those excluded under the previous regime to apply) will increase levels of participation.

**The Scope of the EQIA**

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

In light of the consultation exercise, the EQIA was undertaken as a framing exercise involved lead implementation team, with contributions from policy teams who have contributed to make to the policy. Ad-hoc advice was taken from Rural and Environment Science and Analytical Services team.
Key Findings

The Direct Payments regime is open to all farm businesses that fulfil the scheme’s requirements (which relate to technical conditions such as location, the minimum size of the holding, stocking densities, a commitment to respect legal obligations and similar matters), regardless of protected characteristics.

The Scottish Government is making significant investment in human and technical resources to support both the implementation of the new policy and the normal running of the programme. In addition, Scottish Government officials in customer-facing roles are recruited with the appropriate professional qualifications and technical skills to assist the target audience, including those with protected characteristics, to participate.

No significant issues have been raised as a result of the EQIA and the process did not identify any persons with protected characteristics that would be adversely affected by the way the Direct Payments regime is being implemented.

Recommendations and Conclusion

In conclusion, I do not believe that any direct or indirect discrimination will result as a result of the Direct Payment regime being implemented in the manner intended by Scottish Ministers.

Declaration

I am satisfied with the equality impact assessment that has been undertaken for The Common Agricultural Policy (Direct Payments etc.) (Scotland) Regulations 2015 (SSI No 58 / 2015). I give my authorisation for this record of the assessment to be published on the Scottish Government website.

Name: David Barnes

Position: Deputy Director / Chief Agricultural Officer, AFRC: Rural Payments and Inspections Division

Authorisation Date: 12 February 2015