# EQUALITY IMPACT ASSESSMENT FORM

**Not all projects require a full impact assessment. Please review the equality pre-assessment** [**questions**](https://eur03.safelinks.protection.outlook.com/ap/w-59584e83/?url=https%3A%2F%2Fscotent.sharepoint.com%2Fsites%2FIntranet%2FA-z%2FT-equal_opportunities%2FSiteAssets%2FPages%2FEqualopps-eias%2Fquestions.doc&data=05%7C01%7CMargaret.Maynard%40scotent.co.uk%7Ced07756e83444c2308e508da8b4ff4d9%7C50374495fdde4d04bc5c574982680e19%7C0%7C0%7C637975472786817356%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=L8pqVm0659PBpg60Nbjs4aZ9PfGWRYzyBY84au7ItXo%3D&reserved=0) **which define this requirement and inform your** [**equality champion**](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fscotent.sharepoint.com%2Fsites%2FIntranet%2FA-z%2FT-equal_opportunities%2FPages%2FWhos-who-equalopps.aspx&data=05%7C01%7CMargaret.Maynard%40scotent.co.uk%7Cb4bc6132cdb2406d243308da8a658e01%7C50374495fdde4d04bc5c574982680e19%7C0%7C0%7C637974466022935882%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=S5bbqB8uVzfpEalb2SFXC28310n6TA2q5FxlVhZSTjg%3D&reserved=0) **of the decision. If you answer YES to any of these** [**questions**](https://eur03.safelinks.protection.outlook.com/ap/w-59584e83/?url=https%3A%2F%2Fscotent.sharepoint.com%2Fsites%2FIntranet%2FA-z%2FT-equal_opportunities%2FSiteAssets%2FPages%2FEqualopps-eias%2Fquestions.doc&data=05%7C01%7CMargaret.Maynard%40scotent.co.uk%7Ced07756e83444c2308e508da8b4ff4d9%7C50374495fdde4d04bc5c574982680e19%7C0%7C0%7C637975472786817356%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=L8pqVm0659PBpg60Nbjs4aZ9PfGWRYzyBY84au7ItXo%3D&reserved=0)**– then this Impact Assessment must be completed.**

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| **Name of Business Unit** | DDIT |
| **Name/designation of person(s) responsible for managing/ conducting this process** | Stuart Lewis, Director DDITClaire Thompson, DPIGO |

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| **Name of Policy / Function / Service / Strategy / Action Plan / Programme / Project etc.** | Use of Generative AI Policy |
| **Is it (Delete as applicable)** | New | ~~Existing with changes~~ |
| **Is the policy contracted out? (Delete as applicable)** | No | ~~Yes~~ |
| **If yes, who delivers this policy for the organisation?** |  |
| **Is responsibility for delivery shared with others? (Delete as applicable)** | No | ~~Yes~~ |
| **If yes, who are your partners?** |  |

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| **Could there be possible impacts or effects in respect of the following protected groups? (Delete as applicable)** |
| **Age**  | **Yes** | **Disability** | **Yes**  |
| **Gender Re-Assignment**  | **Yes** | **Marriage & Civil Partnership** | **Yes** |
| **Pregnancy & Maternity** | **Yes** | **Race**  | **Yes** |
| **Religion or Belief** | **Yes** | **Sex**  | **Yes**  |
| **Sexual Orientation**  | **Yes**  | **Human Rights** | **Yes** |

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| **Timescale for** **Assessment** | ASAP | **Timescale for Involvement/Consultation** | ASAP |
| **Start Date** | 28.08.23 | **Completion Date** | 15.09.23 |
| **EO Champion review by** | Jennifer Paul / Margaret Maynard | **Date** | September / October 2023 |
| **SRO name and email approval on file** | Stuart Lewis, Director DDIT | **Date** | October 2023 |

## 1. Identify ALL the Aims of the Policy/Project (consider these questions to prompt answers)

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| 1. What is the purpose of the policy/project? (Consider explicit and implicit aims)2. Who does the policy/project affect?3. Who does the policy/project benefit directly? (e.g., employees/service users; equality groups, other stakeholders)4. What results/outcomes are intended? |

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| 1. The purpose of the policy is to provide SE colleagues with clear guidance and permitted parameters in which to use Generative AI within SE. The policy considers the appropriate use of Generative AI and places restrictions on its use where this is intended for decision making purposes, contractual and/or legal arrangements, and recruitment. It is to be used for research purposes only, with a focus on accuracy and transparency when such tools are used.
2. The policy applies to all SE colleagues – employees; contractors; secondees.
3. The policy itself is of direct application to colleagues. However, the use of Generative AI may potentially benefit or adversely affect individuals across colleagues, suppliers and customers depending on how the Generative AI is used.
4. The intended results of the policy are to provide clarity on the parameters in which Generative AI can be used, thereby mitigating the risk of bias in research that could have unintended consequences for individuals or groups of individuals, infringement of intellectual property rights, competition law, data protection law, human rights, or give rise to claims of delictual liability. The policy also serves to drive accuracy and transparency when using Generative AI.
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## 2. Consider the Evidence (data and information) - (consider these questions to prompt answers)

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| 1. What information or data would it be useful to have? What data (quantitative and qualitative) is available? (in-house/external) How reliable/valid/up to date is it?2. What does the data/information tell you about* Different needs?
* Different experiences?
* Different access to services, information or opportunities?
* Different impacts/different outcomes?

3. Are there any gaps that you should fill now/later by further evidence gathering/commissioning or by secondary analysis of existing data?4. Are there any experts or stakeholders you should involve/consult now? Have you involved/consulted any experts already? What were their views? |

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| 1. There is currently no data gathered in SE as to the impact of the policy nor the use of Generative AI. However, along with the roll out of the policy encouragement will be given to colleagues to engage with the Data & Analytics Team to aid in the demonstration and evaluation of the quality and efficacy from using Generative AI.
2. There is currently no data or information to speak to different needs, experiences, access to services, information or opportunities or impacts/outcomes. However, it is anticipated that as use of Generative AI commences in earnest, that such data/information will be gathered and compiled to answer these questions.
3. There are gaps that will be filled as evidence around the use of Generative AI develops.
4. Members of the Data & Analytics Team were consulted for technical input and explanation of what Generative AI is; DDIT comms & Service Adoption were consulted on the language and clarity of the policy. Senior Information Risk Owner and Director of DDIT were consulted for application to wider SE strategic objectives and overall content against organisational aims for the use of Generative AI. Trade Union Terms and Conditions Representatives were consulted to ensure that the policy was not prejudicial to the working terms of staff. Equalities Champion was consulted to consider the policy and its wider application to preventing disadvantage and promoting equality.
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## 3. Assess the likely impact on different groups - (consider these questions to prompt answers)

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|  1. Does your analysis of the evidence indicate any possible adverse impact on a particular group (age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation) or does it breach human rights legislation. 2.If it is adverse,* Does this amount to unlawful discrimination? (See guidance)

3. In what areas does it have an impact? E.g., access to information, experience of services?**4. Even if there is no evidence of adverse impact, is there an opportunity to** **actively promote equality or foster good relations between different groups?** |

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| 1. It is well documented that the data upon which publicly available (open source) Generative AI is trained is flawed. It derives from data placed on the internet, which in itself can be prone to bias. As such, the use of Generative AI without guidance and efficient context setting when used has the potential result in that bias occurring. It is for this reason that there are parameters set around the use of Generative AI within SE. These parameters intend to minimise the risk that any use of Generative AI will result in the possible adverse impact on any particular group. Parameters include prohibiting the use of Generative AI for all decision making, such as:-
	* recruitment and selection;
* employee performance management;
* assessing the eligibility of companies for support; and
* providing support to companies in terms of allocating funding/expertise,

as well as ensuring that Generative AI is not used in client interactions, appraisal and due diligence. 1. No comment can be made as to whether this *would* amount to unlawful discrimination, but there is always the potential for there to be inadvertent unlawful discrimination. However, as noted, the scope of permitted use of Generative AI should minimise the risk of unlawful discrimination occurring.
2. There is potential for the use of Generative AI to have an impact on areas such as those outlined in response to Q2 above.
3. Yes, there is an opportunity to actively promote equality or to foster good relations between different groups, depending on the use made of Generative AI. For example, there is opportunity to use Generative AI to undertake data analysis to help target customers more effectively, including customers in disadvantaged groups.

Information and support could be provided by more efficient means e.g., chatbot or SE’s in-house developed AI interactive tools; |

## 4. Consider alternatives - (use these questions to prompt answers)

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| 1. How can you change your proposal in a way that is proportionate, and will* Remove unlawful discrimination or comply with human rights?
* Reduce any adverse impact?
* Advance/promote equality?
* Foster good relations between different groups?
* Help us achieve our published equality outcomes (See guidance)?

2. If there are no actions proposed, can the policy/project still be justified? 3. Can the aims be met in some other way? What can you do now/later?4. If the project involves procuring a service or product is there any scope to encourage suppliers to have a greater focus on equality for example signing up to the Business Pledge? Are there any positive action activities you could consider which might address disadvantage experienced by protected groups, like targeting women owned businesses or applying reserved contracts? Are there any other project specific actions you could state to help with our equality duties e.g., monitoring of uptake of the service to identify under-representation or encouraging certain groups to participate in the project (see guidance)?5. What are you recommending? |

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| 1. The proposal at present is proportionate. The ability for colleagues to engage with the Data & Analytics team to analyse the efficacy of outputs from Generative AI should aid in the consideration of changes that will achieve the aims of removing unlawful discrimination, reducing adverse impact, advancing/promoting equality, fostering good relations between different groups and helping to achieve published equality outcomes.
2. The policy is justified, as it is needed to guide colleagues and set parameters around the use of Generative AI.
3. The aims could be met through guidance, but as the use of Generative AI carries a number of legal risks, the development of a defined policy with clear sanctions was deemed appropriate.
4. n/a
5. Recommendation is for:-
* the Use of Generative AI policy to be implemented as currently drafted;
* Light touch training to be given to colleagues to enable better use of Generative AI within the parameters defined in the policy;
* Engagement with the Data & Analytics Team to aid in measuring the accuracy of the outputs from use to ensure that these are delivering the anticipated results; and
* Use of Generative AI to be transparent through the use of an acknowledgement which is added to any output, declaring the use of Generative AI, as well as ensuring that the accuracy of sources of outputs is verified; and
* For the policy to be reviewed as use cases and the legal landscape on the use of Generative AI develops and any potential policy changes assessed in terms of their impact on protected groups and the requirements of the Equality Act 2010.
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## 5. Involve/Consult relevant stakeholders if appropriate - (consider these questions to prompt answers)

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| 1. What are the views of the people who are likely to be affected or who have an interest about * Whether you have identified the right issues?
* Whether you have proposed suitable modifications?
* Whether your proposals will meet their needs?

 2. Should you involve people in the re-design of the policy?3. How will you consult once changes have been made?4. Whom do you need to get views from? (internally/externally)5. What methods will you use? (consider “hard to reach” groups)6. What formats will you use for communicating with different groups? |

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| The scope of use of Generative AI is such that identifying groups of people who are likely to be affected or have an interest is disproportionate to the aims of the policy. However, the views of Trade Union representatives and Equalities Champions have been sought on the potential impact of the policy and the wider use of Generative AI on SE colleagues and the wider population. |

## 6. Decide whether to adopt this policy/project - (consider these questions to prompt answers)

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| 1. What were your findings from the consultation/involvement?2. Taking into account all of the data, information, potential impact issues and consultation feedback, what will you recommend? (Choose & state one option)* **Reject the policy** – there is evidence of actual/potential unlawful discrimination or breach of human rights.
* **Accept the policy** – The EIA demonstrates the policy is robust with no adverse impacts and all opportunities to promote equality/foster good relations have been taken.
* **Modify the policy** – Adjust the policy to remove barriers or better promote equality.
* **Continue with the policy** – Issues with the policy have been identified but you wish to continue with the policy. Clearly set out justification for doing this. Compelling reasons will be needed.
1. If the Equality Impact Assessment (EqIA) is on a high-level policy/strategy, state here if further EqIAs need to be carried out on projects emanating from the policy/strategy and inform project managers.
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| 1. The consultation with the Equalities Champions found that there is the potential for discrimination through the use of Generative AI, but not from the policy itself.
2. Taking into account all of the potential impact issues and consultation feedback, the recommendation of the DPIGO is to continue with the policy. It has been identified that colleagues have been and will continue to use Generative AI for their work. It is therefore important for Scottish Enterprise to have in place a policy to ensure that when used, it is done so within parameters which minimise the risk to both individuals and the organisation. The policy will be reviewed as data and information from the use cases is gathered.
3. It is recommended that any project or SE work which uses or intends to use Generative AI conduct an Equalities Impact Assessment to ensure that:-
* the context for the input to the Generative AI is set to minimise the risk of bias output;
* the outputs are reviewed for accuracy and bias; and
* is clear where such outputs have been used to inform SE’s objectives.
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## 7. Make Monitoring (and review) Arrangements - (consider these questions to prompt answers)

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| 1. How will you know what the actual effect of the policy/project is?2. In what ways will you monitor? e.g., continuously or irregularly, quantitative methods such as surveys, qualitative methods such as interviews3. How often will monitoring information be analysed?4. When will you review the policy/project taking into account any monitoring information? |

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| 1. Use of Generative AI should become more apparent as colleagues start to engage with it, particularly with the measures in number 2 below. The scope of use is limited at present to minimise the risk that outputs from Generative AI could be used in decision making or for any actions that could support decision making.
2. Use should be monitored through transparency declaration and engagement with the Data & Analytics team.
3. The frequency of monitoring is to be determined.
4. Recommended cadence for monitoring is 6 months during the initial implementation period of the policy and use of Generative AI.
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**8. Equality Impact Assessment review**

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| Please forward the completed document to your equality champion for review. This should then be approved by the SRO and returned to your champion for publication on the Scottish Enterprise external website.  |

**9. Summary of Actions**

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| List any actions agreed and indicate dates for review. |

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| * + The draft Policy has been updated to reflect points that have arisen from undertaking this Equality Impact Assessment.
	+ While the approach to the roll out of using Generative AI has changed, the requirement to adhere to the terms of the policy and to undertake light touch training around the effective use of Generative AI has not.
	+ The training is an opportunity to reinforce the “guardrails” provided within the policy, designed to help eliminate possible adverse effects on disadvantaged groups. This will aid colleagues in ensuring use is in line with SE’s Equality obligations.
	+ As part of the next policy update, the Policy Owner will seek to collate appropriate data on the equalities impact of the use of Generative AI from a range of both internal and external sources. It is anticipated that this will help to inform the development of the updated policy and enable SE to consider where there is a need or opportunity to eliminate adverse impacts on disadvantaged groups or actively promote equality. The next policy update is scheduled for May 2024
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