

Scottish Environment Protection Agency

Equality and Human Rights Impact Assessment Guidance Document

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 **requires all new and revised policies** to be subject to screening for equality impact. Those which show any impact must then be subject to a full Equality Impact Assessment (EqIA).

- The EqIA form and guidance can be found on Q Pulse.
- On completion forward to the Equality Mailbox, for approval by the Equality Specialist.
- An EqIA that is not completed properly or requires any extra evidence will be returned to the reviewer. The final version must be returned to the Equality Mailbox for Equality Specialist approval.
- Supporting evidence and materials are available on the Equality and Diversity Intranet Site.
- Full EqIAs are public documents and will be published when finalised and approved.
- Completed EqIAs will be stored on Q Pulse.

Equality and Human Rights Impact Assessment (EqIA)

Policy Name	As Per Policy Title
Policy Author	Self-explanatory
Date Policy Written/Reviewed	Self-explanatory
EqIA Undertaken by	Person trained in EqIA
Date EqIA carried out	Date Commenced
EqIA authorised by	Policy Owner line manager
Date Authorised	Date EqIA approved by line manager

Introduction

An Equality and Human Rights Impact Assessment identifies whether any policy, practise or activity has any disproportionate impact on any individual or group of people with a protected characteristic as determined by the Equality Act 2010.

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 requires that all new and revised policies must undergo a screening for impact and, where impact is identified, a full EIA is undertaken.

The form has five parts;

- Part 1 provides general information about the policy, the owner and its purpose.
- Part 2 is a screening document to identify whether there is impact. Where impact is identified, Part 3 must be completed.
- Part 3 is a full impact assessment, where evidence is established.
- Part 4 captures what will be monitored to ensure impact is either reduced, negated or remains constant and
- Part 5 is the approval section.

PART 1

About the Policy/Activity

Portfolio/Function developing/reviewing policy or activity	Name: Full title of Department and Team
Title of policy/activity	Self explanatory
Date EqlA Screening Commenced	Self explanatory

Briefly describe the aims,	These should be identified within the
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objectives and purpose of the policy/activity	policy/activity
What are the intended consequences of the policy/activity?	These should be identified within the policy/activity
Does this policy/activity link with any other? If Yes, please list.	E.g. a policy on web site usage will link to a Communications Strategy. The reason for capturing this is that there may already be evidence provided in an earlier EqlA
Who are the main stakeholders in relation to the policy/activity?	Those involved in development and the beneficiaries of the policy i.e. multi agency partners, public or SEPA staff
Who implements the policy and who is responsible for the policy/activity?	Whilst a policy may be developed and owned by function, it may be applicable for use by other areas.

Part 2

Establishing Relevance

WHAT - This part is about establishing whether the policy/activity has any relevance in relation to the protected characteristics as set out in the list below.

WHY – this is done to show that in the development of the policy/activity, its implications are considered fully, including the potential for impact on those with particular needs related to a protected characteristics. Where the potential for impact is identified, it provides the opportunity to write out or take mitigating action to minimise impact.

HOW – When establishing relevance it is important to show and evidence both positive and negative impact. This provides evidence of a full understanding of the impact of the policy.

EVIDENCE - Can be obtained from a number of areas, internally or externally. It may include quantitative or qualitative evidence. The Equality Intranet Site under SEPA Business has a bank of evidence. Scottish Government has an Equality Evidence resource on their web site. Evidence may also come from internal departmental reports, complaints or compliments, either from the public or staff.

Initial Screening for Relevance

This section is designed to determine the relevance of the policy/activity to equality.

- This section also fulfils the duty to consider any impact in relation to Human Rights.
- Initial screening will determine whether there is impact and where none is found, set out any evidence/justification for that determination.

Indicate in the table below whether policy/activity has any impact on the protected characteristics or is likely to influence SEPAs ability to comply with the general duty, which is to ;

- a) Eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010 and/or;
- b) Advance equality of opportunity between people who share a characteristic and those who do not and/or;
- c) Foster good relations between people who share a relevant protected characteristic and those who do not.

The easiest means of approaching this is to consider the following questions;

- 'Would the policy meet my needs or ensure I had equal opportunities if I had any of the protected characteristics?'
- 'Is there anything in the policy would have a detrimental impact on me if I had one of the protected characteristics?'
- Does it go any way to contributing to or impacting on the general duty?

Tick under the relevant header.

Please tick as appropriate	Positive Impact	Negative Impact	No Impact	Unknown
Age				
Disability				
Gender reassignment				
Marriage and civil partnership (relevant only to point a) above)				
Pregnancy and maternity				
Race				
Religion and belief				
Sex (gender)				
Sexual Orientation				

If you have answered ‘no’ for all of the above, what is your justification or evidence for that determination?

You must provide evidence or justification for determining there is no impact i.e. a policy or procedure on examining a water sample will have no impact on equality. The justification will simply state that this is an analytical procedure that does not have any relevance to people and protected characteristics.

Indicate on the table below whether the policy/activity has any impact on the Human Rights Act 1998

Please tick as appropriate Positive Impact Negative Impact No Impact Unknown

Article 6 This is the right to a fair trial and includes the right to a fair hearing. This would be relevant in any policy or activity relating to employment or disciplinary hearings. See the Human Rights Guidance Appendix.

Article 8 This is the right to respect for private and family life and may include the sharing of data.

Article 14 This is the prohibition from discrimination. This goes beyond the protected characteristics of the Equality Act and matters such as economic disadvantage may fall under this Article.

If you have answered ‘no’ for all of the above, what is your justification or evidence for that determination?

As with the protected characteristics, this needs a justification or evidence to be provided.

Concluding Part 2

Has Relevance been Identified?	Please Tick	Next Steps
There is no relevance to Equality or the Human Rights Act 1998		Proceed to Part 4 Monitoring and Review
There is relevance to some or all of the Equality characteristics and/or the Human Rights Act 1998		Proceed to Part 3 Impact Assessment
It is unclear if there is relevance to some or all of the Equality characteristics and/or the Human Rights Act 1998		Proceed to Part 3 Impact Assessment

Part 3

Full Impact Assessment

Where any relevance is identified at the screening stage above, a full impact assessment must be carried out.

This section captures details of any impact relevant to the listed protected characteristics and Human Rights. It should also show details of relevance, evidence gathered and used, suggestions as to steps that could be taken to negate or reduce impact and decisions taken relating to impact. This should be based on proportionality

Age	Capture evidence related to age (younger people or older) This may come from staff data or census data. Where there is impact, explain any mitigating activity or intervention i.e. the development of a supporting guidance document or training for staff. This should be proportionate to the impact and to SEPAs role.
Disability	Any physical or mental impairment that has a long term and adverse impact on a person's ability to carry out normal day to day activities. There is also an obligation on employers to consider reasonable adjustments to support staff with a disability to continue in the workplace
Gender reassignment	A person re-assigns their gender when they chose to live their lives in the gender opposite to the physical gender they were attributed at birth. No surgical or medical intervention is required for someone to have protection from discrimination related to gender re-assignment.
Marriage and Civil Partnership	The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected
Pregnancy and maternity	A woman is protected against discrimination on the grounds of pregnancy and maternity. With regard to employment, the woman is protected during the period of her pregnancy and any statutory maternity leave to which she is entitled
Race	This includes ethnic identity, nationality, skin colour and caste
Religion and Belief	This covers all the recognised faiths and religions. It also includes deep philosophical belief systems and non belief.
Sex (gender)	This refers to male or female.
Sexual Orientation	Protects anyone on the basis of their sexual orientation, which may be lesbian, gay, bisexual or heterosexual

Human Rights	The Human Rights Act 1998 allows UK residents to pursue a case regarding their Human Rights to be taken to a UK court. The protections under the Human Rights Act include the Right to be Free from Discrimination. This covers the protected characteristics as identified in the Equality Act and other areas of discrimination not recognised in the Equality Act.
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Summary and Conclusion of Impact Assessment
Highlight summary of impact, suggestions for reducing impact or reasons for keeping the policy/activity as it is. This should show evidence on proportionality or matters out with our control (i.e. legislation) and implications for the overall intention of the policy/activity.

Concluding Part 3

Impact Assessment	Please Tick	Next Steps
There is no relevance to Equality or the Human Rights Act 1998		Proceed to Part 4 Monitoring and Review
There is relevance to some or all of the Equality characteristics and/or the Human Rights Act 1998		Proceed to Part 4 Monitoring and Review

Part 4

Monitoring and Review

The purpose of this section is to show how you will monitor the impact of the policy/activity.

- The reason for monitoring is to determine if the actual impact of the policy/activity is the same as the expected or intended.
- A statement on monitoring is required for all functions/policies regardless of whether there is any relevance to Equality or the Human Rights Act.

If you have provided evidence or justification for believing there is no relevance to Equality or the Human Rights Act in Part 2 Initial Screening or Part 3 Impact Assessment:

Q1 How do you intend to monitor and review the policy/activity?

This could be part of a scheduled review of the policy.

Q2 What will be monitored?

In relation to the impact assessment, you are looking to monitor whether any actual or potential impact is greater or less than initially anticipated. In other words you are monitoring for changes in impact

Q3 What is the frequency of monitoring?

New policies should be monitored for effectiveness and impact regularly throughout the first year of their introduction. This is especially important where the actual or potential of significant impact has been identified. This can be lessened as the policy becomes embedded. Additional monitoring may be triggered by changes in legislation, strategy or as a consequence of negative feedback or complaints.

Q5 How will monitoring information be used?

Monitoring information should be used to make any changes necessary to improve the policy/activity. In relation to EIA, evidence of impact should also be used to direct change where appropriate and proportionate.

Part 5

Approval

All screening documents and EqIA's must be submitted to the Equality Specialist for approval. EqIA's will only be published after approval.

The document may be returned for further work or clarification before final approval is given.

This Equality and Human Rights Impact Assessment was completed by:

Name	This is the name of the individual undertaking the EqIA
Department/Function/Team	This is the team/department they are operating in when undertaking the EqIA.
Date	Date the EqIA is completed.

This Equality and Human Rights Impact Assessment was approved by:

Name and Designation	This will be the Equality Specialist or the HR Equality lead.
Date	The date the EqIA is approved.

ON COMPLETION please indicate if this is a screening document only or full EqIA;

Screening only	Y/N	Full Assessment	Y/N
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