

# Scottish Environment Protection Agency

## Equality and Human Rights Impact Assessment (EqIA)

Project Name	FRM Strategic Environmental Assessment consultation
Policy Author	E Robertson
Date Written/Reviewed	20/11/2014
EqIA Undertaken by	K Russell
Date EqIA carried out	20/11/2014
EqIA authorised by	K Bryce
Date Authorised	

### Introduction

An Equality and Human Rights Impact Assessment (EqIA) identifies whether any policy, practise or activity has any disproportionate impact on any individual or group of people, in particular, but not exclusively, those 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. Where impact is identified, a full EqIA is undertaken.

This 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.
- 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.

The Guidance Document should be read in conjunction with this form.

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

<b>Screening only</b>	<b>N</b>	<b>Full Assessment</b>	<b>Y</b>
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**PART 1**

**About the Policy/Activity**

<b>Department/Function developing/reviewing policy or activity</b>	<b>Name: FRM Act Programme Manager: F MacTaggart Delivery Lead: E Robertson</b>
<b>Person Carrying out EqlA/Screening</b>	<b>Name: K Russell</b>
<b>Title of policy/activity</b>	Strategic Environmental Assessment consultation for Flood Risk Management Strategy
<b>Date EqlA/Screening Commenced</b>	20/11/2014

<b>Briefly describe the aims, objectives and purpose of the policy/activity</b>	The main aims of the project are to; <ul style="list-style-type: none"> <li>• Meet SEPA's statutory obligations on consultation on the Strategic Environmental Assessment (SEA) of FRM Strategies under the Environmental Assessment (Scotland) Act</li> <li>• Make consultation on the SEA as simple as possible.</li> </ul>
<b>What outcomes are wanted from this policy/activity?</b>	The intended outcomes are to; <ul style="list-style-type: none"> <li>• Meet SEPA's statutory obligations under the Environmental Assessment (Scotland) Act 2005.</li> <li>• Obtaining the views of consultation authorities (Scottish Natural Heritage, Historic Scotland) and the public on the likely environmental effects of all actions that are being considered for inclusion in the FRM Strategies.</li> <li>• Improve SEPA's consultation processes.</li> <li>• Inform the selection of actions for the FRM Strategies</li> </ul>
<b>Who is intended to benefit from the policy/activity and in what way?</b>	The consultation on the Strategic Environmental Assessment (SEA) of FRM Strategies will directly benefit; <ul style="list-style-type: none"> <li>• SEPA</li> <li>• Local authorities, Scottish Natural Heritage, Historic Scotland</li> <li>• Scottish Government</li> <li>• Public</li> </ul>
<b>Does this policy/activity link with any other? If Yes, please list.</b>	<ul style="list-style-type: none"> <li>• River Basin Management Plans</li> <li>• Draft FRM Strategies</li> <li>• Local Flood Risk Management Plans</li> </ul>

	<ul style="list-style-type: none"> <li>• Habitats Regulations Appraisal</li> </ul>
<b>Who are the main stakeholders in relation to the policy/activity?</b>	Stakeholders include; <ul style="list-style-type: none"> <li>• SEA statutory consultation authorities (Scottish Natural Heritage, Historic Scotland)</li> <li>• Responsible Authorities (local authorities, SEPA, Scottish Water, Forestry Commission Scotland, National Park Authorities)</li> <li>• Partner Agencies</li> <li>• General Public</li> <li>• 3<sup>rd</sup> Sector parties</li> </ul>
<b>Who implements the policy and who is responsible for the policy/activity?</b>	Delivery Lead E Robertson; Unit Manager

## Part 2

### 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 influence on or is likely to influence SEPAs ability to....**

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

<b>Please tick as appropriate</b>	<b>Yes/ Potential</b>	<b>No</b>	<b>Don't Know/ Insufficient Evidence</b>
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?**

Those marked no have no differential impact on either the content of the document or the outcome from the results of the consultation.

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

Please tick as appropriate	Yes/ Potential	No	Don't Know/ Insufficient Evidence
Article 6		√	
Article 8	√		
Article 14		√	

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

This consultation has no relevance to the right to a fair hearing (Article 6). In relation to Article 14 the consultation is open to all and potential impact is limited to the identified protected characteristics as established later in this document and mitigating actions identified to minimise impact.

### Concluding Part 2

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

## Part 3

### Full Impact Assessment

This section captures details of any impact relevant to the listed protected characteristics, to Human Rights and people generally. The narrative should capture details of relevance, evidence gathered and used; suggestions as to steps that could be taken to negate or reduce impact and potential issues and assessment against overall intent of the policy/activity.

<p><b>Age</b></p>	<p>The evidence to support the impact to the age protected characteristic is based on evidence ascertained via the delivery of SEPAs 3<sup>rd</sup> generation flood maps; Scottish Government guidance documentation and census information.</p> <p>Evidence includes research and projects undertaken by SEPA and Citizen Space;</p> <ul style="list-style-type: none"> <li>• 2011 – Golley Slater undertook (on SEPAs behalf) a Flooding information online resource scoping and feasibility study. Research held focus groups from varying age groups and abilities and how they would prefer to access flooding information and how to make it appropriate for the audience.</li> <li>• 2009/10 – Delib (the company supplying Citizen Space) worked with the UK Government and COI in delivering a research study on consultation best practice and accessibility of Citizen Space using user groups, which met on a monthly basis.</li> <li>• SEPAs production and publication of the flood maps (22 December 2013).</li> </ul> <p>Approximately 18.3% of the population is 65 or over. (Scottish Census 2011 Table KS102SC).</p> <p>This could be addressed through;</p> <ul style="list-style-type: none"> <li>• The provision of hard copy documents for public inspection in key SEPA offices</li> <li>• Marketing the consultation wider using 3<sup>rd</sup> sector organisations, public libraries and wider promotion.</li> <li>• Staff undertaking equalities training to gain better knowledge and experience on equalities and the legislative information behind the requirement for the production of an Equalities Impact Assessment.</li> </ul>
<p><b>Disability</b></p>	<p>The evidence to support the impact to the disability protected characteristic is based on evidence ascertained via the delivery of SEPAs 3<sup>rd</sup> generation maps; Scottish Government guidance documentation and census information.</p> <p>¼ of the Scottish population have a disability or limiting illness. This includes 2.4% who are blind or have a visual impairment. (Scottish Census 2011 Table QS304SC).</p> <p>¼ of individuals with disability have implications to their communications ability, as well as those with sensory disabilities including those who are visually impaired or blind.</p>

	<p>This could be addressed though;</p> <ul style="list-style-type: none"> <li>• The provision of the consultation documents, in whole or part, in alternative formats (i.e. large print, hard copy or braille) on request.</li> <li>• A business process to facilitate those unable to view the information on the internet to view a hard copy of the consultation and questions in key SEPA offices.</li> <li>• Improved marketing of the consultation using 3<sup>rd</sup> sector organisations, public libraries and wider promotion.</li> </ul>
<b>Gender reassignment</b>	Gender re-assignment does not affect an individual's ability to access the consultation document nor is the purpose of the document detrimental to anyone who has or is intending to undergo gender re-assignment.
<b>Marriage and Civil Partnership</b>	The protected characteristic of marriage and civil partnership is not affected in any way by this consultation document, either in terms of the content of the consultation or in the ability to access the document.
<b>Pregnancy and maternity</b>	Pregnancy and maternity is not affected detrimentally by this consultation document, either in terms of what it is seeking to achieve or by the means by which it can be accessed.
<b>Race</b>	<p>The evidence to support the impact to the race protected characteristic is based on evidence ascertained via the delivery of SEPAs 3<sup>rd</sup> generation maps; Scottish Government guidance documentation and census information.</p> <p>Individuals that do not have English as their first language may have difficulty understanding content.</p> <p>Other minority groups within a community may be affected by the consultation.</p> <p>This could be addressed through;</p> <ul style="list-style-type: none"> <li>• Improving the use of plain English standards in documents (note that a non-technical summary is a key part of the consultation report)</li> <li>• The provision of the consultation documents, in whole or part, in alternative languages on request.</li> <li>• A business process to help those unable to understand the information on the internet.</li> <li>• Marketing the consultation in a diverse and effective manner including utilising 3<sup>rd</sup> sector organisations and public libraries.</li> </ul>
<b>Religion and Belief</b>	Religion and Belief is not affected in any way by the consultation document, either in terms of what it is seeking to achieve or in the means by which it is accessed.
<b>Sex (gender)</b>	Sex (gender) is not affected in any way by the consultation document, either in terms of what it is seeking to achieve or in the means by which it is accessed.
<b>Sexual Orientation</b>	Sexual orientation is not affected in any way by the consultation document, either in terms of what it is seeking to achieve or in the means by which it is accessed.
<b>Human Rights</b>	There are concerns regarding Article 8 and the right to privacy in relation to the potential provision of personal information (i.e. email addresses).

	<p>An opportunity will be given for those responding to opt out of providing personal information. Any personal information gathered solely for that purpose will be stored in compliance with Data Protection legislation.</p>
<b>General impact on people</b>	<p>The impact on people generally may be dependent on access to the necessary IT infrastructure to allow the documents to be downloaded and completed. The format of the documents and the platform used to support it may be limited to areas with good internet access (i.e. broadband speeds) due to the size of the documents.</p> <p>This could be addressed through;</p> <ul style="list-style-type: none"><li>• Making available hard copy documents in key SEPA offices for public inspection by those unable to view the information on the internet.</li></ul>

### **Summary and Conclusion of Impact Assessment**

The protected characteristics potentially affected include;

- Age,
- Disability,
- Race.

Main impacts include;

- Access to the consultation.
- Understanding and responding to the consultation.
- Language barriers.

The impacts may be reduced by;

- Improved use of plain English standards within the consultation.
- Offering alternative formats (i.e. hard copy)
- Offering alternative languages on request (i.e. large print, braille or alternative languages)
- Diverse and effective marketing of the consultation
- Staff training on understanding equalities.

### Concluding Part 3

Impact Assessment	Please Tick	Next Steps
There is no relevance to Equality or the Human Rights Act 1998		<a href="#">Proceed to Part 4 Monitoring and Review</a>
There is relevance to some or all of the Equality characteristics and/or the Human Rights Act 1998	√	<a href="#">Proceed to Part 4 Monitoring and Review</a>



## Part 4

### Monitoring and Review

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

- The reason for monitoring is to determine if the actual impact of the function/policy 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 function/policy/project?**

Monitor of the number of requests for hard copy or alternative format consultation documents in comparison to the overall number of responses.

#### **Q2 What will be monitored?**

- Number of consultation responses vs number of requests for hard copy/alternative formats.

Within the consultation:

- Name (optional)
- Organisation name (optional)
- Email address (optional)
- Area of interest (optional)

#### **Q3 What is the frequency of monitoring?**

The number of requests to view hard copy or have documents produced in other formats/languages will be compared to overall number of responses at the close of consultation.

#### **Q5 How will the monitoring information be used?**

The monitoring information will be used to inform future consultation arrangements.

**Part 5**

**Approval**

All screening documents and EqIAs must be submitted to the Equality Specialist for approval. EqIAs 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:

<b>Name</b>	K Russell
<b>Department/Function/Team</b>	Project Management Office
<b>Date</b>	03/12/14

This Equality and Human Rights Impact Assessment was approved by:

<b>Name and Designation</b>	K Bryce, Project Manager
<b>Date</b>	15/12/14

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

<b>Screening only</b>	<b>N</b>	<b>Full Assessment</b>	<b>Y</b>
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