

Being updateSCOTTISH ENVIRONMENT PROTECTION AGENCY	Ref: BP-HR-064
Equality and Diversity Equality and Human Rights Impact Assessment Form (EqIA)	Page No: 1 of 9
	Issue No: 2
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Scottish Environment Protection Agency

Equality and Human Rights Impact Assessment (EqIA)

Policy Name	New Charging Scheme		
Policy Author	J Burns		
Date Written/Reviewed	August 2014		
Impact Screening Undertaken by	N/A	Date:	
EqIA carried out by	J Burns	Date: 07/11/14	
EqIA authorised by	M Marsden		
Date Authorised	30/01/15		

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 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 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 and is self-explanatory.
- Part 2 is a screening process to identify whether there is impact. If impact is identified, Part 3 must be completed.
- Part 3 is a full EqIA, where evidence is captured.
- 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;

Screening only	N	Full Assessment	Y
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Scottish Environment Protection Agency Equality Impact assessment

PART 1

About the Policy/Activity

Portfolio/Function developing/reviewing policy or activity	Name: Charging Scheme Project Team
Title of policy/activity	New Charging Scheme
Date EqIA Screening Commenced	5/8/2014

<p>Briefly describe the aims, objectives and purpose of the policy/activity</p>	<p>The new charging scheme aims to bring 4 of the major SEPA charging schemes together into one system using, ensuring that the same set of rules for what is / is not chargeable are used. The new charging scheme will calculate costs for regulating industrial activities to allow these activities to be billed. These charges will have to meet the Scottish Government (SPFM: Legislative Background and Applicability) and Treasury (HMT) (Managing Public Money - HM Treasury) rules. The Government guidance SEPA applies the following broad principles in its charging setting process:</p> <ul style="list-style-type: none"> • charges should recover the full cost of the service; • charges should not deliberately set out to recover more than the cost of the service; • charges should reasonably reflect the cost of the providing the service; • there should be a clear and direct link between the charge payer and the benefits received; and • cross-subsidies are not good practice. <p>In addition the project will aim to meet the general principles which were set down in charging scheme consultation (link) – however it should noted that the charging scheme rules will take precedence and there will obviously be a compromise between the principles:</p> <ol style="list-style-type: none"> 1) Risk based and environmentally focused 2) Flexible and targeted 3) Accountable, transparent and fair 4) Stable and resilient 5) Simple and proportionate
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<p>What are the intended consequences of the policy/activity?</p>	<p>Provide a consistent set of assumptions in identifying what is / is not chargeable for the scheme being brought together.</p> <p>Develop subsistence charges for each type of activity. The charges will use:</p> <ol style="list-style-type: none"> 1) a risk assessment scheme to calculate the direct regulatory costs 2) A method to apportion indirect costs using emissions / throughput / abstraction / impoundments as a surrogate for environmental load and hence the amount of work required to assess / monitor the environment. <p>Develop application charges that will cover the costs required in assessing each type of application.</p>
<p>Does this policy/activity link with any other? If Yes, please list.</p>	<p>This work is part of the Better Regulation project. This project is based on a new Bill, Act and subsequent legislation.</p>
<p>Who are the main stakeholders in relation to the policy/activity?</p>	<p>Organisations who pay the charges including: companies, local authorities and individual sole traders. Often these organisations / individuals are represented by trade associations.</p> <p>Scottish Government (who provide Grant in Aid, but also need to ensure we meet the Treasury rules) – who are partners in the joint project both at a charging scheme and overall project level. The joint governance board will provide sign-off, the charging scheme will be signed off by Scottish minister.</p> <p>SEPA Board and Agency Management Team – need to understand the implications of the charges and provide final sign-off with in SEPA.</p> <p>Indirectly there are Non-Government Organisations (NGOs) and general public. Both will have views on how SEPA undertake work, value for money and whether SEPA should do more or less.</p>

Who implements and who is responsible for the policy/activity?	Calum MacDonald is the sponsor. Martin Marsden is the lead manager of a multi-discipline team across directorates.

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 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.

Please tick as appropriate	Positive Impact	Negative	No Impact	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?

The new charging scheme is replacing an existing set of charging schemes. Therefore the general “set” of individuals / organisations / companies which are being charged are remaining the same. The rules for the new charging scheme are focussed on the regulated activity and the expected amount of time to directly and indirectly regulate the activity and apportion based on a set of standard rules which do not differentiate on the basis of the characteristics listed above. The rules will need to meet the Scottish Government and treasury rules on cost recovery (principles above).

The consultation and charging scheme will be written in English and therefore there will be some impact – this has been assessed below.

In addition the regulations which provide the framework of what activities are regulated and what the general requirements are should have undertaken a Regulatory Impact Assessment. The guidance on how the regulations are undertaken, the application forms which SEPA requires for new activities would have an impact but this is not within the scope of the project – but there should be a mechanism to carry this issue forward..

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 (RIGHT TO A FAIR TRIAL)			√	
Article 8 (RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE)				√
Article 14 (PROHIBITION OF DISCRIMINATION)				√

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

As Above.

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

This section captures details of any impact relevant to the listed protected characteristics and to 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	<p>This charging scheme has no differential impact associated with age.</p> <p>Evidence source:</p>
Disability	<p>There is some empirical evidence from operations staff of individual operators with disabilities that are related to learning and literacy. In addition the 2011 Scottish Census indicates that 19% of the Scottish population has a disability or limiting illness. This includes learning disabilities or difficulties at around 2.5% and sensory disabilities at around 9%. The offer of support to those individuals who require support in completing any paperwork related to these charges should be considered and would be best practice.</p> <p>Evidence source: 2011 Scottish Census table DC3310SC</p>
Gender reassignment	<p>The charging scheme has no relevance to gender re-assignment.</p> <p>Evidence source:</p>
Marriage and Civil Partnership	<p>The charging scheme has no differential impact on people in either a marriage or civil partnership</p> <p>Evidence source:</p>
Pregnancy and maternity	<p>The charging scheme has no relevance in relation to pregnancy and maternity.</p>

	Evidence source:
Race	<p>The population of Scotland has a minority ethnic population of 7% although it varies greatly across Scotland, with variations from just over 1% in some parts of Scotland to as much as 19% in other more populous areas. There is also empirical evidence that a growing number of operators that would be subject to the charging do not use English as a first language. The availability of materials in alternative languages and formats on request would be best practice in relation race matters and the use of clear English would support those who use English but do not have technical language skills.</p> <p>Evidence source: 2011 Scottish Census; SEPA staff feedback</p>
Religion and Belief	<p>The charging scheme has no relevance related to religion and belief.</p> <p>Evidence source:</p>
Sex (gender)	<p>The charging scheme has no relevance in relation to the protected characteristic of sex</p> <p>Evidence Source:</p>
Sexual Orientation	<p>The charging scheme has no relevance to the protected characteristic of sexual orientation.</p> <p>Evidence source:</p>
Human Rights	<p>There is a potential for discrimination in relation to both Articles 8 and 14, although at present there is no evidence to support actual discrimination. The issue with regard to Article 8 is one relating to data and sharing of data. However compliance with any Data Protection Act 1998 requirements will eliminate any risks. In relation to Article 14, there may be implications in relation to the means to pay of any individual. At present there is no evidence to suggest that this will be an issue, however consideration of how to establish whether this is an issue may be useful.</p> <p>Evidence source:</p>

Summary and Conclusion of Impact Assessment

There is no current information to indicate whether there is an impact on the protected characteristics of race and disability. However there is potential for impact relating to the communication related to the scheme, either in terms of

marketing or in the actual documentation that people have to complete. Those communications issues are likely to be most relevant to race and disability. The use of clear English in documentation and the availability of other languages and formats on the request should be considered. This benefits the individuals and contributes positively to the general duty to eliminate unlawful discrimination and promote equality of opportunity. This should be viewed in terms of the wider work within SEPA rather than the charging scheme in particular. Essentially the decision on this should be consistent across the organisation unless there are specific issues / targeting for this project alone (which there is not for charging) – there is a style guide for SEPA which identifies English as the language of choice. In particular areas where the operators have to apply for authorisations, read technical guidance or work with inspectors.

In relation to the Human Rights implications, compliance with already established Data Protection requirements and applying reasonableness to the charging levels should address potential relevancy to Article 8 and Article 14.

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	X	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 policy/activity 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?

As information is released we will record the level of response and whether specific requests arise from either groups with potential disability (as far as the work within the charging scheme) or from specific ethnic groups requiring additional support.

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Q2 What will be monitored?

The level of responses as outlined under Q1

Q3 What is the frequency of monitoring?

As each responses come in - so will be primarily at consultation time.

Q4 How will monitoring information be used?

The information will be used to asses whether additional changes / focusing is required. This will be fed into the larger on going Better Regulation Project.

Part 5

Approval

All screening documents and EqIA's must be submitted to the Equality mailbox for approval.

This Equality and Human Rights Impact Assessment was completed by:

Name	John Burns
Department/Function/Team	Manager on the New Charging scheme
Date	7/11/14

This Equality and Human Rights Impact Assessment was approved by:

Name and Designation	Martin Marsden
Date	30 January 2015

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

Screening only	N	Full Assessment	Y
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