

Scottish Environment Protection Agency

Equality and Human Rights Impact Assessment (EqIA)

Policy Name	Flood Risk Management in Scotland- 2018 Consultation on PVAs	
Policy Author	Ruth Ellis	
Date Written/Reviewed	1/05/2018	
Impact Screening Undertaken by	Carol Hay	Date: 2/02/2018
EqIA carried out by	Carol Hay	Date:10/02/2018
EqIA authorised by	Ruth Ellis	
Date Authorised	19/04/2018	

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: Evidence & Flooding (Flood Unit)
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Title of policy/activity	Flood Risk Management in Scotland- 2018 Consultation on Potentially Vulnerable Areas
Date EqIA Screening Commenced	February 2018

Briefly describe the aims, objectives and purpose of the policy/activity	The purpose of the activity is to consult with public and partners on draft NFRA (National Flood Risk Assessment) and PVA (Potentially Vulnerable Areas) via the citizen space consultation platform. The final NFRA and PVAs are due to be published December 2018. SEPA have a statutory duty to review, and where appropriate update, PVAs on a 6 yearly basis according to the Flood Risk Management Act 2009.
What are the intended consequences of the policy/activity?	The intended consequences are to provide the opportunity for all interested stakeholders to either agree with proposed PVAs or where they have reason to disagree provide evidence to support any changes. The responses will be summarised as part of a consultation digest that will be submitted to ministers in September 2018. In some cases, where evidence is available to support changes a PVA may be modified.
Does this policy/activity link with any other? If Yes, please list.	The consultation activity links to the publication in December 2018. It also links to consultation and publication of the updated FRM Strategies in 2021.
Who are the main stakeholders in relation to the policy/activity?	<ul style="list-style-type: none"> • Responsible Authorities (local authorities, Scottish Water, Forestry Commission Scotland, National Park Authorities); • Scottish Government • European Commission; • Partner Agencies; • General Public; • 3rd Sector parties.
Who implements and who is responsible for the policy/activity?	Delivery lead: Ruth Ellis, Principal Policy Officer

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;

- 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.

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

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

Those marked no have no impact on the content of the consultation or the mechanisms or the outcome from the results of the consultation or the ability of the individual to participate in the consultation.

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			X	
Article 8			X	
Article 14				X

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

Consultation on NFRA and PVAs and supporting documentation will have no relevance to the right to a fair hearing (Article 6). The right to respect for private and family life is not impacted as no personal information will be held or shared for users who access the consultation and supporting documentation.

In relation to prohibition of discrimination (Article 14) the consultation will be available to all and the potential impact is limited to the identified protected characteristics as established later in this document and mitigating actions identified to minimise impact. There is an unknown impact in relation to the economically disadvantaged (Article 14), currently no evidence to suggest there is impact, equally no evidence to confirm that there is no impact. Unknown quantity until evidence received to support either way.

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	x	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>The evidence to support the impact to the age protected characteristic is based on evidence ascertained via the delivery of SEPA's 3rd generation flood maps; Scottish Government guidance documentation and census information.</p> <p>Evidence includes research and projects undertaken by SEPA:</p> <ul style="list-style-type: none">• 2013 – Scott Porter undertook (on SEPA's behalf) a study of the customers of the Floodline Warnings Direct service. A number of user groups covering rural, suburban and business users of the service were all questioned on the service and improvements they would recommend;• 2011 – Golley Slater undertook (on SEPA's 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;• 2011 – FMR (a research consultancy) undertook (on SEPA's behalf) a Flooding information and awareness study. This research was aimed at establishing an understanding of the public's awareness of current flooding services available from SEPA. It included a survey of 500 residents of flood risk properties, three focus groups (city, urban and rural) and telephone survey of businesses in flood risk areas. Understanding of terminology relating to flood risk was tested;• SEPA's production and publication of the flood maps (22 December 2013);• SEPA's submission flood hazard and flood risk maps to the EC (22 March 2014);• SEPA and local authorities consultation on the draft Flood Risk Management Strategies and Local Flood Risk Management Plans (December 2014 to June 2015).
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	<p>Approximately 23.2% of the Scottish population is 60 or over. (Scottish Census 2011 Table KS102SC).</p> <p>Research conducted by OFCOM found that 60% of people within the UK aged 55 and over scored below average when measured on confidence and knowledge of communications technology (Ofcom, The Communications Market Report, 2014).</p> <p>As per the above evidence 23.2% of the Scottish population is over 60 and 60% of those over 55 are less confident with technology and are therefore less likely to access published documents via an online application. Provision therefore needs to be considered to ensure that those over 55 are not excluded.</p> <p>This could be addressed through a process based approach i.e. user notification that provision for additional formats can be produced on request:</p> <ul style="list-style-type: none"> • Individuals having difficulties viewing the consultation online can contact SEPA who may be able to address questions verbally or guide users around the electronic version. If required SEPA can arrange to issue content (selected areas) in hard copy or in an alternative format (i.e. large print). In some circumstances an office visit may be arranged to view the consultation. • Marketing the availability of consultation wider using 3rd sector organisations, public libraries and wider promotion. Linkages with local authorities could be used to help promote the consultation and supporting documentation to a wider audience;
<p>Disability</p>	<p>The evidence to support the impact to the disability protected characteristic is based on evidence ascertained via the delivery of SEPAs 3rd generation maps; Scottish Government guidance documentation and census information.</p> <p>A quarter 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>A quarter 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>As per the above evidence those with a disability may have issues accessing published documentation as a result of visual, sensory and/ or communication difficulties.</p> <p>This could be addressed through a process based approach i.e. user notification that provision for additional formats can be produced on request:</p> <ul style="list-style-type: none"> • Individuals having difficulties viewing the consultation online

	<p>can contact SEPA who may be able to address questions verbally or guide users around the electronic version. If required SEPA can arrange to issue content (selected areas) in hard copy or in an alternative format (i.e. large print). In some circumstances an office visit may be arranged to view the consultation.</p> <ul style="list-style-type: none"> Marketing the consultation wider using 3rd sector organisations, public libraries and wider promotion. Linkages with local authorities could help to promote the consultation and supporting documentation to a wider audience.
Gender reassignment	<p>Gender re-assignment does not affect an individual's ability to access the identified consultation nor is the purpose of the contents detrimental to anyone who has or is intending to undergo gender re-assignment.</p>
Marriage and Civil Partnership	<p>The protected characteristic of marriage and civil partnership is not affected in any way by the consultation, either in terms of their content or in the ability to access the documents.</p>
Pregnancy and maternity	<p>Pregnancy and maternity is not affected detrimentally by the consultation, either in terms of what individuals are seeking to achieve or by the means by which it can be accessed.</p>
Race	<p>The evidence to support the impact to the race protected characteristic is based on evidence ascertained via the delivery of SEPAs 3rd 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/ communities may be hard to reach because of cultural resistance to public bodies and external support networks. The minority ethnic population makes up 4% of Scotland's total population (Scottish Census 2011)</p> <p>This could be addressed through:</p> <ul style="list-style-type: none"> Use of plain English standards in documents and supporting information; The provision of the published documents, in whole or part, in alternative languages on request (considered on a case by case basis); A business process to help those unable to understand the information on the internet; Marketing the published documents in a diverse and effective manner including utilising 3rd sector organisations and public libraries.
Religion and Belief	<p>Religion and belief is not affected in any way by the consultation, either in terms of what individuals are seeking to achieve or in the means by which it is accessed.</p>

Sex (gender)	Sex (gender) is not affected in any way by the consultation, either in terms of what individuals are seeking to achieve or in the means by which it is accessed.
Sexual Orientation	Sexual orientation is not affected in any way by the consultation, either in terms of what individuals are seeking to achieve or in the means by which it is accessed.
Human Rights	<p>Human Rights are not affected in any way by the consultation, either in terms of what individuals are seeking to achieve or in the means by which it is accessed.</p> <p>It is noted that there is an unknown impact in relation to Article 14 - the economically disadvantaged, currently no evidence to suggest there is impact, equally no evidence to confirm that there is no impact. Unknown quantity until evidence received to support either way.</p>

Summary and Conclusion of Impact Assessment
<p>The protected characteristics potentially affected include:</p> <ul style="list-style-type: none"> • Age; • Disability; • Race. <p>Main impacts include:</p> <ul style="list-style-type: none"> • Access to the published documents; • Language barriers; • Disability barriers i.e. vision impairment; • Some minority groups/ communities may be hard to reach due to cultural resistance to public bodies and external support networks. <p>The impacts may be reduced by:</p> <ul style="list-style-type: none"> • Use of plain English standards in documents, which has been followed in the production of documents. • Offering alternative languages or formats (i.e. hard copy/ braille – considered on a case by case basis); • Diverse and effective marketing of the consultation.

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?

The number of requests for hard copy or alternative formats of the published documents will be monitored. It would also be beneficial to monitor the number of compliments and complaints.

For any future lessons learnt or external user group sessions should consider questions on equalities to gain evidence of meeting Equality Act 2010 and Human Rights Act 1998 requirements.

It should be noted that during the consultation on draft FRM Strategies in 2014-2015, no requests were made to view the consultation documents in alternative formats or at SEPA offices.

Q2 What will be monitored?

The number of requests for hard copy/alternative formats and what is being requested.

Q3 What is the frequency of monitoring?

The number of requests will be monitored during the open period of consultation.

Q4 How will monitoring information be used?

Monitoring information will be used to direct change where appropriate and proportionate. For example if numerous requests are made then the process for making documents available can be reviewed and streamlined.

Part 5

Approval

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

This Equality and Human Rights Impact Assessment was completed by:

Name	Carol Hay
Department/Function/Team	Evidence & Flooding- Project Manager
Date	19/04/2018

This Equality and Human Rights Impact Assessment was approved by:

Name and Designation	Ruth Ellis
Date	19/04/2018

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

Screening only	N	Full Assessment	Y
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