

## Scottish Environment Protection Agency

### Corporate and Annual Operating Plan Equality and Human Rights Impact Assessment (EqIA)

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| <b>SCOTTISH ENVIRONMENT PROTECTION AGENCY</b><br><br><b>Equality and Diversity</b><br><b>Corporate and Annual Operating Plans</b><br><b>Equality and Human Rights Impact Assessment Form</b> | <b>Guidance No:</b> EQIA-002           |
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|  | <b>Issue No:</b> 3                     |
|  | <b>Issue date:</b> 2019                |
|  | <b>Owner:</b> Anne Turner              |
|  | <b>Authorised by:</b> Kieron Gallagher |

## 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 and in relation to the rights of the individual under the Human Rights Act 1998.

The Protected Characteristics are; age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief and sexual orientation.

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 six 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** sets out the decision taken regarding the policy and justification
- **Part 5** is capturing how you will monitor the policy for any changes in impact
- **Part 6** is the approval and signing off

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 |
|----------------|---|-----------------|---|

## Scottish Environment Protection Agency Equality Impact Assessment

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## PART 1

### About the Policy/Activity

|   |   |
|---|---|
| <b>Portfolio/Function developing/reviewing policy or activity</b> | <b>Name:</b> Performance and Innovation Portfolio, Business Strategy Team |
| <b>Title of policy/activity</b>                                   | SEPA Corporate Plan 2017-2022<br>SEPA Annual Operating Plan               |
| <b>Date EqIA Screening Commenced</b>                              | 4 November 2016<br>Reviewed 24/06/19                                      |

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|---|---|
| <b>Briefly describe the aims, objectives and purpose of the policy/activity</b> | <p>This Corporate Plan set out SEPA's strategic direction to 2022, to explain the outcomes SEPA wants to achieve to make Scotland a better place to live and work and how SEPA will achieve them.</p> <p>This Annual Operating Plan explains the key activities that SEPA will carry out each year to deliver the Corporate Plan.</p>   |
| <b>What are the intended consequences of the policy/activity?</b>               | <p>SEPA's statutory purpose is to protect and improve the environment in ways that, as far as possible, also help create health and well-being benefits and sustainable economic growth. The outcomes SEPA is striving to achieve through the delivery of this Corporate Plan and Annual Operating Plan are:</p> <p>Scotland is thriving in a low carbon world;<br/>Scottish businesses are prospering from better environmental performance;</p> <p>The impact of flooding is reducing;<br/>People benefit from Scotland's improving environment.</p> <p>These strategic plans ensure that SEPA is continually focussed on where it can deliver its statutory purpose most effectively and to ensure it works in a way that provides best value.</p> |
| <b>Does this policy/activity link with any other? If Yes, please list.</b>      | These plans set out SEPA's core services for regulation and flooding, and how SEPA will change the way it operates to deliver better for Scotland. Delivery of the plans is supported by strategies for regulation, information and   |

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|  | evidence, people, commercial services and finance, as well as performance measures to monitor progress.   |
| <b>Who are the main stakeholders in relation to the policy/activity?</b> | Scottish Government, partner agencies, business, public bodies, SEPA Agency Board, SEPA staff and the general public  |
| <b>Who implements and who is responsible for the policy/activity?</b>    | SEPA's strategy is developed by the Agency Management Team and Agency Board. The Performance and Innovation portfolio is responsible for the production of the Corporate Plan and Annual Operating Plans which provide a snapshot of SEPA's strategy at that time. The strategic plans are approved by the Agency Board and then implemented by all staff |

## Part 2

### Establishing Relevance

**WHAT** - This part is about establishing whether the policy/activity has any relevance in relation to the general duty as set out 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 people Where the potential for impact is identified, it provides the opportunity to eliminate or take mitigating action to reduce/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.

### Initial Screening for Relevance

This section is intended to determine the relevance of the policy/activity to equality and human rights.

**Indicate in the table below whether the policy/activity has any impact on or relevance to SEPA's ability to comply with any of the elements of the general duty. Impact can be either positive or negative. The general duty requires public bodies, in the execution of their duty to be mindful of the need to;**

- Eliminate discrimination, victimisation, harassment because of a protected characteristic 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.

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| Screening for Relevance  | Yes | No | Unknown |
|--|-----|----|---------|
| Does this policy impact on people? (service users, businesses, employees, wider community) | X   |    |         |
| Will it have a significant effect on how other organisations operate?                      | X   |    |         |
| Does it relate to an area of known inequalities?   | X   |    |         |
| Does it have relevance to any of SEPA's equality outcomes?*                                | X   |    |         |

\*\* SEPA's 2017 – 2021 Equality Outcomes are;

1. SEPA's performance is enhanced by having a workforce whose diversity more closely reflects that of Scotland
2. The people of Scotland, including those hard to reach and minority communities, can readily access, understand and are enabled to act upon SEPA services

Indicate on the table below if the policy has any relevance or impact to the following Human Rights articles;

| (Please tick as appropriate)                             | Relevant/has impact | Not relevant/no impact | Unknown |
|--|---------------------|------------------------|---------|
| <b>Article 6</b> – Right to fair hearing/trial           | X                   |                        |         |
| <b>Article 8</b> – Rights to privacy of family life      | X                   |                        |         |
| <b>Article 14</b> – Right to be free from discrimination | X                   |                        |         |

## Concluding Part 2

| Has relevance/impact been identified?  | Please Tick | Next Steps                                     |
|--|-------------|--|
| There is no relevance to <b>Equality or the Human Rights Act 1998</b>  |             | <u>Proceed to Part 4 Monitoring and Review</u> |
| There is relevance to some or all of the <b>Equality characteristics</b> and/or the <b>Human Rights Act 1998</b>                   | X           | <u>Proceed to Part 3 Impact Assessment</u>     |
| It is unclear if there is relevance to some or all of the <b>protected characteristics</b> and/or the <b>Human Rights Act 1998</b> |             | <u>Proceed to Part 3 Impact Assessment</u>     |

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## Part 3

### Full Impact Assessment

Where relevance/impact has been identified in Part 2, complete the following indicating;

- To which group it is relevant
- In what way it is relevant
- The evidence supporting actual or potential relevance/impact
- The actions required to mitigate negative impact or relevance

Mitigation should be proportionate to impact, the numbers of people affected, cost implications and policy intent.

For evidence see the Scottish Government Evidence Finder

(<http://www.gov.scot/Topics/People/Equality/Equalities/DataGrid>)

|            |   |
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| <b>Age</b> | <p>The Mid-year population Estimate for Scotland on 30 June 2015 was 5,373,000, with 17% of people estimated to be aged under 16, 65% aged 16-64 and 18% aged 65 and over. Scotland has an aging population, with current projections suggesting that the number of people aged 65 and over will increase by 53% between 2014 and 2039. At the same time many areas are seeing a decline in younger people. These facts are relevant in relation to how SEPA informs the public of its plans and priorities, and delivers on those.</p> <p>The Ofcom Communications Market Report 2016: Scotland indicates that 84% of households in Scotland have access to the internet and that 28% of individuals over 16 used the internet to access local council and government websites. The 2016 Ofcom Internet Use and Attitudes Bulletin indicated that 58% of United Kingdom over 75s do not use the internet.</p> <p>In relation to younger people, SEPA has very few employees under the age of 25. That is at a time when the youth employment rate in Scotland is 56.2%.</p> <p>The plans commit to embedding SEPA's six organisational characteristics with the aim of transforming the organisation into one that people are clamouring to work for. The plans also reference SEPA's People Strategy which recognises the importance that diverse teams will play in SEPA's success and encourages staff to embrace diversity and make more inclusive decisions. The Annual Operating Plan commits to launch a new Graduate Trainee Scheme to help increase the number of young people working in the organisation and to the delivery of our 2017 – 2021 Equality Outcomes, which are reflected in our organisational characteristics and People Strategy.</p> <p><b>Evidence source:</b> NRS Mid Year Population Estimates Scotland 2015; Ofcom Communications Market Report 2016: Scotland; Ofcom Internet Use and Attitudes Bulletin 2016; The Scottish Government's Annual Population Survey, results for year to September 2016; SEPA staff data.</p> |
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| <b>Disability</b>          | <p>In 2014, 23% of adults living in Scotland had a long term limiting health condition or disability. This has relevance in how SEPA communicates the Corporate Plan and Annual Operating Plan and interacts with people.</p> <p>Use of plain English as a means of communicating written and spoken messages helps to meet the needs of those with learning difficulties and learning disabilities and also helps communicate their message to lay people, who are neither environmental or science based.</p> <p>These plans, although technical in their nature, have been developed with the use of plain English. This also links to the SEPA Equality Outcomes and commitments set out in our 2015 Mainstreaming Report to publish in a manner that is accessible. That commitment continues in the delivery of our 2017 -2021 Equality Outcomes.</p> <p>The plans will be published on the SEPA website, which meets W3C standards of accessibility and will be made available in alternative languages and formats, including hard copy on request.</p> <p>The plans commit to embedding SEPA's six organisational characteristics with the aim of producing information that people use, helping people innovate, helping communities see the environment as an opportunity, interacting with regulated businesses and transforming the organisation into one that people are clamouring to work for. The plans also reference SEPA's People Strategy which recognises the importance that diverse teams will play in SEPA's success and encourages staff to embrace diversity and make more inclusive decisions. The plans commit SEPA to making its business simple so that it is easy for customers to work with it. Annual Operating Plan commits to continue to address equality issues in our business and publish a report on our progress.</p> <p><b>Evidence source:</b> Scottish Surveys Core Questions 2014; SEPA Equality Mainstreaming and Outcome Progress Report 2015.</p> |
| <b>Gender reassignment</b> | <p>Information available for Scottish Transgender Alliance and Stonewall Scotland indicate that a commitment to employees and sound policies and practices, help support any individual who is undergoing or has undergone gender re-assignment. The plans commit to embedding SEPA's six organisational characteristics with the aim of transforming the organisation into one that people are clamouring to work for. The plans also reference SEPA's People Strategy which recognises the importance that diverse teams will play in SEPA's success and encourages staff to embrace diversity and make more inclusive decisions. The Annual Operating Plan commits to continue to address equality issues in our business and publish a report on our progress.</p> <p><b>Evidence source:</b> Scottish Transgender Alliance and Stonewall Scotland Changing for the Better Guide for Employers 2012; Scottish Government Equality Evidence</p>   |

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| <b>Marriage and Civil Partnership</b> | <p>Approximately 53% of SEPA staff are married or in Civil Partnerships. The plans commit to embedding SEPA's six organisational characteristics with the aim of transforming the organisation into one that people are clamouring to work for. The plans also reference SEPA's People Strategy which recognises the importance that diverse teams will play in SEPA's success and encourages staff to embrace diversity and make more inclusive decisions. The Annual Operating Plan commits to continue to address equality issues in our business and publish a report on our progress.</p> <p><b>Evidence source:</b> SEPA Equality Mainstreaming and Outcome Progress Report 2015.</p>  |
| <b>Pregnancy and maternity</b>        | <p>The plans commit to embedding SEPA's six organisational characteristics with the aim of transforming the organisation into one that people are clamouring to work for. The plans also reference SEPA's People Strategy which recognises the importance that diverse teams will play in SEPA's success and encourages staff to embrace diversity and make more inclusive decisions. The Annual Operating Plan commits to continue to address equality issues in our business and publish a report on our progress.</p> <p><b>Evidence source:</b> SEPA Equality Mainstreaming and Outcome Progress Report 2015.</p>  |
| <b>Race</b>                           | <p>Scotland has a 4% minority ethnic and 4% non-British white population, which varies greatly across different areas of the country. In relation to race and ethnicity, 2.96% of our staff are from visible minority ethnic groups, against a national demographic of 4.1%. We have a considerable number of staff of white, non-British origin, with 8.7% of our staff in those groups as opposed to a national average of 4%. This presents some difficulties in terms of language skills and the use of English and also in terms of marketing to some of those hard to reach communities who traditionally look to their own for support, rather than external organisations.</p> <p>The development of the plans in plain English will support those who have English as a language but are not familiar with technical or legal terminology. Being able to offer the document in alternative languages upon request is good practice, supporting the needs of smaller communities.</p> <p>The plans commit to embedding SEPA's six organisational characteristics with the aim of producing information that people use, helping people innovate, helping communities see the environment as an opportunity, interacting with regulated businesses and transforming the organisation into one that people are clamouring to work for. The plans also reference SEPA's People Strategy which recognises the importance that diverse teams will play in SEPA's success and encourages staff to embrace diversity and make more inclusive decisions. The plans commit SEPA to making its business simple so that it is easy for customers to work with it. Annual Operating Plan</p> |

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|                            | <p>commits to continue to address equality issues in our business and publish a report on our progress.</p> <p><b>Evidence source:</b> Scotland's Census 2011</p>   |
| <b>Religion and Belief</b> | <p>We do not capture any information about SEPA's services users in relation to equality; this includes the protected characteristic of religion and belief.</p> <p>The plans commit to embedding SEPA's six organisational characteristics with the aim of producing information that people use, helping people innovate, helping communities see the environment as an opportunity, interacting with regulated businesses and transforming the organisation into one that people are clamouring to work for. The plans also reference SEPA's People Strategy which recognises the importance that diverse teams will play in SEPA's success and encourages staff to embrace diversity and make more inclusive decisions. The plans commit SEPA to making its business simple so that it is easy for customers to work with it. Annual Operating Plan commits to continue to address equality issues in our business and publish a report on our progress.</p> <p><b>Evidence source:</b> SEPA Equality Mainstreaming and Outcome Progress Report 2015.</p> |
| <b>Sex (gender)</b>        | <p>We do not capture any information about SEPA's services users in relation to equality; this includes the protected characteristic of gender. Our workplace data shows a shortage of women progressing into leadership roles.</p> <p>The plans commit to embedding SEPA's six organisational characteristics with the aim of transforming the organisation into one that people are clamouring to work for. The plans also reference SEPA's People Strategy which recognises the importance that diverse teams will play in SEPA's success and encourages staff to embrace diversity and make more inclusive decisions. The plans commit SEPA to making its business simple so that it is easy for customers to work with it. Annual Operating Plan commits to continue to address equality issues in our business and publish a report on our progress.</p> <p><b>Evidence source:</b> SEPA Equality Mainstreaming and Outcome Progress Report 2015.</p>   |
| <b>Sexual Orientation</b>  | <p>We do not capture any information about SEPA's services users in relation to equality; this includes the protected characteristic of sexual orientation. Our workplace data reflects the Scottish demographic for the characteristic.</p> <p>The plans commit to embedding SEPA's six organisational characteristics with the aim of transforming the organisation into one that people are clamouring to work for. The plans also reference SEPA's People Strategy which recognises the importance that diverse teams will play in SEPA's success and encourages staff to embrace diversity and make more inclusive decisions. The plans commit SEPA to making its business simple so that it is easy for customers to work</p>   |

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|                     | <p>with it. Annual Operating Plan commits to continue to address equality issues in our business and publish a report on our progress.</p> <p><b>Evidence source:</b> SEPA Equality Mainstreaming and Outcome Progress Report 2015.</p>  |
| <b>Human Rights</b> | <p>In relation to the Human Rights Articles, the commitments made within the Corporate Plan and Annual Operating Plan have a potential for impact in relation to enforcement (Article 6), data sharing (Article 8) and discrimination generally (Article 14).</p> <p>The plans commit to embedding SEPA's six organisational characteristics with the aim of producing information that people use, helping people innovate, helping communities see the environment as an opportunity, interacting with regulated businesses and transforming the organisation into one that people are clamouring to work for.</p> <p>Working with partner agencies in relation to our enforcement, ensuring we abide by the principals and requirements of the Scottish Justice system will contribute to compliance with Article 6. Similarly the adherence to data protection principles set out in the Data Protection Act 1998, ensures compliance with Article 8. In relation to Article 14, greater involvement with community planning partnerships and community groups, as well as improved communication of SEPAs role and responsibility should contribute significantly to removing discrimination.</p> |

### Summary and Conclusion of Impact Assessment

The impacts identified within the Corporate Plan 2017-2022 and Annual Operating Plan 2017-2018 are positive. These plans have impact in two areas:

In relation to the activities we carry out, these plans reflect a desire to embed equality throughout our business and imply that to be across all aspects of our business. This is positive in terms of the requirement to mainstream equality. There will be a need for business areas to interpret this in a manner that is relevant to their work area.

In relation to communication, the main impact remains the promotion and style of the plans. As with previous years, we have committed to making the plans available in alternative formats and in hard copy if requested. The plans are simpler and shorter than previous plans, written in plain English, with little technical and scientific language. This approach meets the needs of a number of people, including those who don't have English as a first language and those with learning difficulties or disabilities. Input from third sector equality organisations will also be sought.

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## 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 | X           | <a href="#">Proceed to Part 4 Monitoring and Review</a> |

## Part 4

### Taking account of the results of the assessment

In this section you capture your decision about what needs to be done with the policy to meet the duty and mitigate any actual or potential impact.

There are four main options available to you;

- **No change** – there is no evidence of actual or potential unlawful discrimination and you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review
- **Adjust the policy** – minor issues have been identified and steps have to be taken to address them to remove impact from the policy
- **Continue the policy** (where potential impact has been identified) – this is where you judge the impact against the intent of the policy. Where the impact is minor or the evidence is minimal you can continue with the policy. However you should clearly set out the justification for doing so. You must also ensure that the monitoring is robust enough to capture where the impact might change.
- **Stop and remove the policy** – if there are adverse effects that cannot be justified or mitigated, you should consider stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.

| Option selected | Justification |
|-----------------|---------------|
| No change       |               |

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## Summary of agreed actions resulting from your assessment

What action, by whom, will be undertaken as a result of the impact assessment.

| No. | Action | Person responsible | Timescale |
|-----|--------|--------------------|-----------|
| 1.  |        |                    |           |
| 2.  |        |                    |           |

## Part 5

### Monitoring and Review

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

- The reason for monitoring is to determine if the actual relevance or impact of the policy/activity is the same as expected or intended. This ensures that any changes which might have a detrimental effect are identified quickly and addressed.
- Policies that have no relevance should also be monitored to ensure that that doesn't change. Again, if the relevance does change, steps can be taken to mitigate any impact at an early stage.

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

Annual Operating Plans which deliver SEPA's Corporate Plan are produced each year. If there is a change in strategy communicated through an Annual Operating Plan the eEqIA will be updated.

#### Q2 What will be monitored?

Annual Operating Plans will be monitored for any changes to the intent of the Corporate Plan which may change the potential or identified impact on the General Duty or the Protected Characteristics.

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

Annual Operating Plans which deliver SEPA's Corporate Plan are produced each year

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

Monitoring will be used to ensure consistency in the approach to delivering the Corporate Plan and the identification of any change in impact will be used to inform those Annual Operating Plans.

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## Part 6

### Approval

All screening documents and EqlA's must be submitted to the [Equality Specialist](#) for quality checking, before being approved by your lead Manager. EqlA'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 reviewed by:

|                                 |  |
|---------------------------------|--|
| <b>Name</b>                     | Anne Turner  |
| <b>Department/Function/Team</b> | Senior Business Consultant, Performance and Innovation Portfolio |
| <b>Date</b>                     | 24 June 2019   |

This Equality and Human Rights Impact Assessment was approved by:

|                             |                         |
|-----------------------------|-------------------------|
| <b>Name and Designation</b> | K G. Head of Governance |
| <b>Date</b>                 | 07/02/17                |

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

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

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