

Impact Assessment Toolkit - Guidance

as at 30 April 2013

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SECTION 1 - SETTING THE SCENE

Introduction to Impact Assessments

The following toolkit is designed to help you think about the different aspects of equalities, Human Rights, environment, economy and health for our Council. It is a legal document that will come under public scrutiny and therefore should be completed fully, with evidence. Used properly it will improve the quality of services we deliver, ensuring we get things right first time.

If you need any help with completing the impact assessment process then contact:

Gillian McLeod
Policy and Performance Advisor, Planning & Performance Unit
on 01387 260202 or gillian.mcleod@dumgal.gov.uk

SECTION 2 - EXPLANATORY NOTES ON COMPLETING THE IMPACT ASSESSMENT TOOL

Preparation

1. Consider the need to carry out an impact assessment. The purpose of the toolkit is to evidence that plans or policies have been considered in terms of equality and diversity, environment, social and economic impact and health.
2. The toolkit should be completed by no fewer than two people. The best approach is to bring together a small group of people from those who have been involved in the development of the proposal or have some knowledge of the proposal. Service users, community representatives, diversity groups, etc. should be invited to participate in the process where appropriate. It is essential to involve Diversity Groups so contact melinda.dolan@dumgal.gov.uk for some advice and help if you need it.
3. Identify a lead person. The lead person **must have undertaken impact assessment training** on the use of the toolkit and should have a good knowledge of the policy or plan to be assessed. The lead person will take the group through the process, compile the results and ensure they are passed on for action. Although it is preferable to have several trained people involved, people who have not undertaken training on the toolkit can participate in the group. The lead person will normally be the contact for the assessment.
4. **At least a week in advance, distribute relevant papers.** These should include a copy of the toolkit, the policy / plan / budget issue being assessed and any background information including evidence for the or against the policy (such as information on a specific area or community, evidence of similar proposals, press reports). Hold the IA in an accessible venue and ask if there will be any access issue like hearing loops or language.

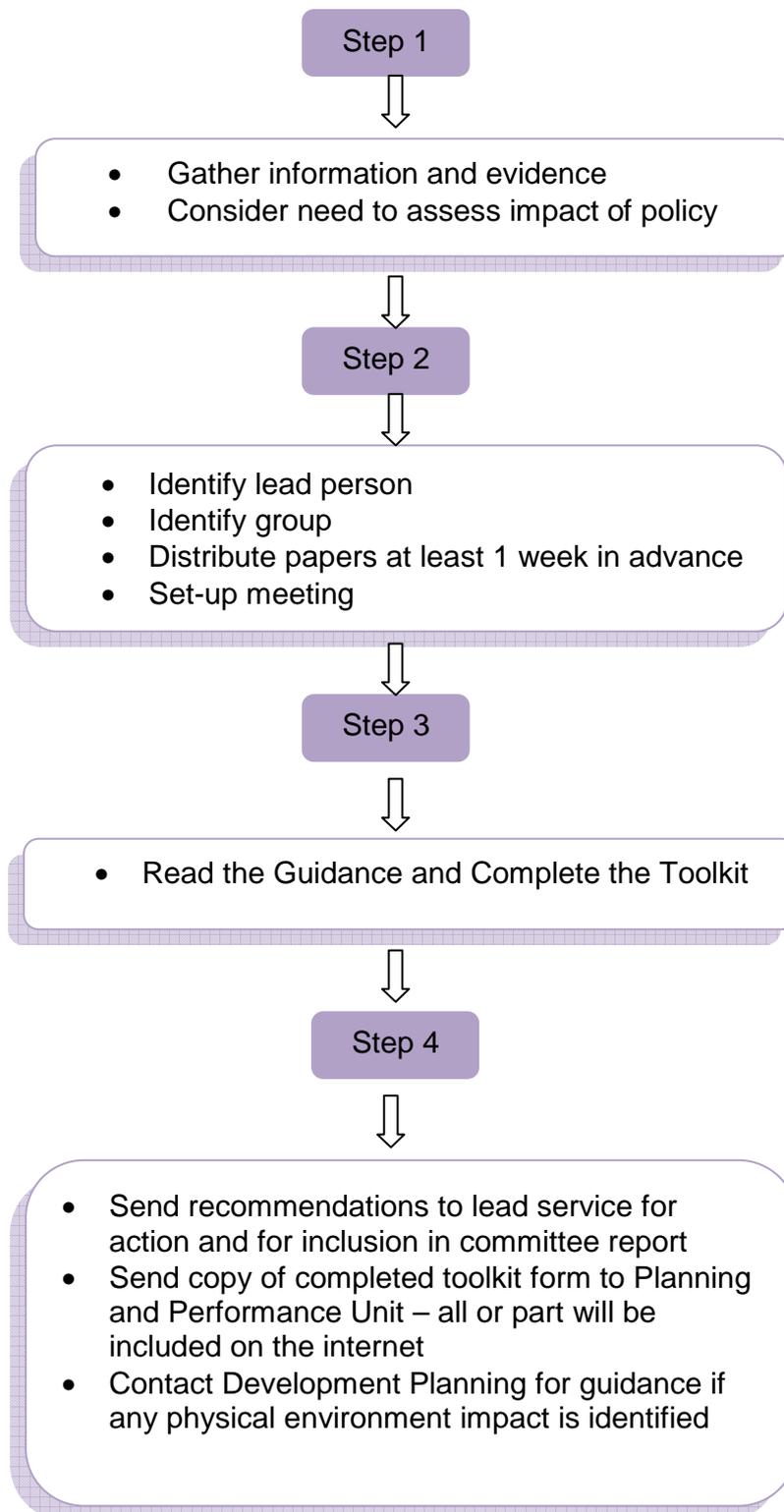
Using the toolkit

5. Ensure sufficient time is allocated to allow the group to work through the tool. Setting aside three hours would be advisable.
6. Not everyone on the group will have a working knowledge of the issues to be considered under each of the themes. Some notes are provided against each of the themes to help discussion but these are not exhaustive and the group may have other issues to add. Advice can also be sought from officers who have expertise in the subject matter.
7. Comments supporting the choice of positive or negative impact should be noted on the comments column. These will aid the completion of assessing the level of negative impact. If necessary, the group may record that there is a need for more evidence before a decision can be made.
8. One positive impact and one negative impact does not equal one no impact! Both positive and negative impacts should be recorded as the negative impacts must be removed or mitigated later in the process.
9. The group should agree the key recommendations that should be made arising from the toolkit process and recorded in the toolkit form.

Finalising the toolkit

10. The lead person is responsible for collating the key comments and actions onto the summary sheet (section 6). All members of the group should receive a copy. A copy should also be sent to the lead service for action. The recommendations and actions will provide the basis for the committee report section on impact assessment.
11. Under the requirements of Strategic Environmental Assessment (SEA) if the impact or possible impact is minimal, there is a duty under the Environmental Assessment Scotland Act 2005 to notify the SEA authorities. This should be noted on the summary sheet (section 6) and advice sought from Planning and Environment Services Development Planning Service.
12. The process should identify first where there is any impact. If positive or no impact, sign off and proceed. Where negative impact is identified three things can happen;
 - a. The impact is unjustifiable – so the document must be revised and rewritten to remove the negative impact
 - b. The impact can be justified without consultation (i.e. legislation such as Health and Safety) so the justification is noted and recorded and the document is signed off
 - c. The impact may or may not be justifiable – so any proposed justification for the risk is noted and the document is then consulted upon accordingly at the level that is appropriate. For instance, an employment document may require only internal consultation where as a service delivery policy may require partner and external consultation.
13. An electronic copy of the completed toolkit form should be forwarded to the Planning and Performance Unit where part or all will be posted on the external website. Email it to ImpactAssessment@dumgal.gov.uk

IMPACT ASSESSMENT TOOLKIT FLOW CHART



Expert Advisers (local contacts):

If you have any specific enquiries relating to one of the strands or wish advice on impact assessment please contact:

Equality & Diversity

Melinda Dolan
Planning and Performance Unit
Chief Executive Service
Dumfries and Galloway Council
Tel: 07712666903
Email: melinda.dolan@dumgal.gov.uk

Health & Wellbeing

Sheila Davies
Planning and Performance Unit
Chief Executive Service
Dumfries and Galloway Council
Tel: 01387 260010
Email: sheila.davies@dumgal.gov.uk

Environment

Peter Shellard
Planning and Environment Services
Dumfries and Galloway Council
Tel: 01387 260149
Email: peter.shellard@dumgal.gov.uk

Climate Change and Energy Management

Chris Wood-Gee
Planning and Environment Services
Dumfries and Galloway Council
Tel: 01387 260378
Email: chris.wood-gee@dumgal.gov.uk

Impact Assessment Tools

There may be occasions that a different toolkit is appropriate perhaps when working with partners. If you decide not to use the Council toolkit please let us know by sending an email to ImpactAssessment@dumgal.gov.uk

The Scottish HIA network is co-ordinated by Health Scotland and seeks to include all those working or planning to work on health impact assessments in Scotland. The web site provides information on the network, information about HIA and links to other HIA sites. www.healthscotland.com/resources/networks/shian.aspx

For toolkit on Strategic Environmental Assessment
www.scotland.gov.uk/Resource/Doc/148434/0039453.pdf

Children's rights impact assessments are a way of looking at decisions, policies or legislation and identifying and measuring their effect on children and young people and their rights. SCCYP (Scotland's Commissioner for Children and Young People) has published a step-by-step guide, 'Children's Rights Impact Assessment: The SCCYP Model', which contains information on what assessments are, why they are necessary and how they should be carried out. www.sccyp.org.uk/publications/adults/cria

Useful websites

Scottish Neighbourhood Statistics (www.sns.gov.uk)

This is an interactive web based database that provides information on population, health, education, poverty, unemployment, housing, crime and community issues.

2011 Census

<http://www.gro-scotland.gov.uk/census/censushm2011/index.html> and Dumfries & Galloway Area – Fact Sheet <http://www.gro-scotland.gov.uk/files2/stats/council-area-data-sheets/dumfries-galloway-factsheet.pdf>

The census provides a comprehensive snapshot on the number and characteristics of people living in Dumfries and Galloway. It also provides information on housing, employment, transport, religion, academic qualifications, health and informal care.

Equality and Human Rights Commission (www.equalityhumanrights.com/scotland)

The Equality and Human Rights Commission Scotland champions equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights and to build good relations, ensuring that everyone has a fair chance to participate in society. The web site contains a wide range of information on each of the equality strands including definitions, advice and guidance, research, project and policy work and consultations.

Scottish Human Rights Commission (www.scottishhumanrights.com/)

The Scottish Human Rights Commission promotes and protects the human rights of everyone in Scotland. We are working to increase awareness, recognition and respect for human rights, and make them more relevant and easier to apply in everyday life. The Commission is dedicated to helping everyone understand their rights and the shared responsibilities we all have to each other and to our community. The Commission is independent of the UK and Scottish Parliaments and Governments.

ScotPHO Profiles

<http://scotpho.org.uk/web/FILES/Profiles/2010/Scottish%20Local%20Authority%20Report.pdf>

The ScotPHO Community Health and Wellbeing profiles contain 61 indicators relating to health and its determinants and are available for several different geographies Scotland, NHS board, Community Health Partnerships and Intermediate Zones.

A database of statistics, economics and research that provides a breakdown by age, gender, disability, ethnicity, sexual orientation, transgender and religion/belief from a range of organisations to support work on equality.

Key legislation

Key legislation : The Equality Act 2010

Equality legislation is designed to protect people from discrimination and covers areas such as employment, education, access to goods and services and the service that public organisations, like the council, deliver.

Over the last four decades this discrimination legislation has helped to make Britain a more equal society. However, the legislation was complex and, despite progress in many areas, some persistent inequalities remain.

The Equality Act 2010 which came into force on 1 October 2010 replaced existing equality legislation. Its intention is to simplify and strengthen the previous legislation, provide a modern single legal framework with clear, streamlined law that will be more effective at tackling disadvantage and discrimination.

Protected characteristics (PC)

The Equality Act 2010 provides protection from unlawful discrimination and harassment to groups and individuals because of the following “Protected Characteristics” (PCs):

- Age
- Disability
- Sex
- Gender reassignment *
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sexual orientation

It is important to remember that we **all** fall into at least one of these groups!

***Note** Gender identity can be complex and there are many different cross cutting transgender identities that need to be considered eg transsexual women, transsexual men, intersex people, androgynous and polygender, cross dressing and transvestite people.

The key forms of discrimination in the Equality Act 2010

- **Direct discrimination:** Someone is treated less favourably than another person because of a protected characteristic (PC).
- **Associative discrimination:** Direct discrimination against someone because they associate with another person who possesses a PC.
- **Discrimination by perception:** Direct discrimination against someone because it is thought they possess a particular PC.
- **Indirect discrimination:** Can occur when you have a rule or policy that applies to everyone but disadvantages a particular PC.
- **Harassment:** Employees can now complain of behaviour they find humiliating, intimidating, degrading, hostile or offensive even if it is not directed at them.
- **Harassment by a third party:** Employers are potentially liable if a staff member is harassed by someone who doesn't work for them.
- **Victimisation:** Someone is treated badly because they have made/supported a complaint or grievance under the Act.

The Duties

The Equalities Act has two main duties called the General Duty and the Specific Duty.

What the **General Duty** Says:

We have a Duty to have **due regard** to the need to:

- **Eliminate** discrimination, harassment, victimisation or any other prohibited conduct;
- **Advance** equality of opportunity by having due regard to:
 - removing or minimising disadvantage
 - meeting the needs of particular groups that are different from the needs of others
 - encouraging participation in public life;
- **Foster** good relations – tackle prejudice, promote understanding.

When does **the Duty apply**?

The General Duty contained in the Act applies to Dumfries and Galloway Council:

- when we are carrying out our public functions
 - as service providers
 - as policy makers
 - as employers
- also to services and functions which are contracted out
- also private and voluntary sector organisations which carry out public functions

Specific Duties

As well as the General Duty there are a number of Specific Duties one of which is **Impact Assessment**.

Impact Assessment (IA)

IAs are one of the Specific Duties in the Act which requires Dumfries and Galloway Council to assess the impact of applying a policy against the “needs” of the General Duty.

What are you **required to do**?

- Assess what the impact of applying proposed policies, including changes or revisions to existing policies, will have on the Protected Characteristics.
- Consider relevant evidence relating to PCs.
- Take account of the results of the assessment.
- Publish the IA within a reasonable time period.
- Make arrangements to review and where necessary revise existing policies.

We need to do this because the law tells us to, because it makes good business sense to get things right first time and also because it is morally right to make sure that anything we do does not adversely effect one group of people because of who they are or what they believe.

Your Impact Assessment should

- Focus on outcomes in order to improve the life chances of people who experience discrimination and disadvantage
- Must be informed by the General Duty
- Must be evidence based and informed by the **involvement** of equality groups
- you do not need to cover all groups

Key legislation : Human Rights Act 1998

Human rights are the basic rights and freedoms that belong to every person in the world.

Ideas about human rights have evolved over many centuries. But they achieved strong international support following the Holocaust and World War II. To protect future generations from a repeat of these horrors, the United Nations adopted the Universal Declaration of Human Rights in 1948. For the first time, the Universal Declaration set out the fundamental rights and freedoms shared by all human beings.

These rights and freedoms – based on core principles like dignity, equality and respect – inspired a range of international and regional human rights treaties. For example, they formed the basis for the European Convention on Human Rights in 1950. The European Convention protects the human rights of people in countries that belong to the Council of Europe. This includes the United Kingdom.

Until recently, people in the United Kingdom had to complain to the European Court of Human Rights in Strasbourg if they felt their rights under the European Convention had been breached.

However, the [Human Rights Act 1998](#) made these human rights part of our domestic law, and now courts here in the United Kingdom can hear human rights cases. Find out more about [how human rights work](#).

The Human Rights Act 1998 (also known as the Act or the HRA) came into force in the United Kingdom in October 2000. It is composed of a series of sections that have the effect of codifying the protections in the European Convention on Human Rights into UK law.

All public bodies (such as courts, police, local governments, hospitals, publicly funded schools, and others) and other bodies carrying out public functions have to comply with the Convention rights.

The Act sets out the fundamental rights and freedoms that individuals in the UK have access to. They include:

- [Right to life](#)
- [Freedom from torture and inhuman or degrading treatment](#)
- [Right to liberty and security](#)
- [Freedom from slavery and forced labour](#)
- [Right to a fair trial](#)
- [No punishment without law](#)
- [Respect for your private and family life, home and correspondence](#)
- [Freedom of thought, belief and religion](#)
- [Freedom of expression](#)
- [Freedom of assembly and association](#)
- [Right to marry and start a family](#)
- [Protection from discrimination in respect of these rights and freedoms](#)
- [Right to peaceful enjoyment of your property](#)
- [Right to education](#)
- [Right to participate in free elections](#)

The Human Rights Act means that all public authorities have an obligation to ensure that people's rights are respected in all that they do.

The Human Rights Act is not just about preventing public authorities from taking certain actions. It also requires us to take proactive steps to prevent breaches of human rights from happening in the first place, no matter who or what is causing the harm.

Key legislation : Climate Change Scotland Act 2009

The Climate Change Scotland Act 2009 and associated guidance says that we must cut our Greenhouse Gas (GHG) emissions by 80% of 1990 levels by 2050. By 2020 the Council must have made cuts equating to 42% of our 1990 emissions. Details of the Council's proposed actions to tackle climate change are included within the Carbon Management Plan (CMP2) <http://connect.dgcouncil.net/CHttpHandler.ashx?id=1243&p=%200>. Key policies are included on page 54 and the management summary pages 5-9.

Other drivers include the Council's commitments through being a signatory to both the European Covenant of Mayors committing to a 20% reduction of carbon emissions across the region and to the Scottish Climate Change Declaration and reports annually on progress in this respect.

Council policy reflects the duty of the Council to act sustainably to secure these targets.

Strategic Environmental Assessment (SEA)

The original requirement for assessment has come from Directive 2001/42/EC, which is known as the Environmental Assessment Directive. This was brought into practice and expanded in Scotland by the Environmental Assessment (Scotland) Act 2005. The assessment is carried out by the authority responsible for the production of the plan, programme or strategy.

Strategic Environmental Assessment (SEA) is a systematic and effective process for ensuring that environmental issues are taken into account at every stage in the preparation, implementation, monitoring and review of plans, programmes and strategies. It is an assessment of the likely effects that a public plan will have on the environment if implemented. It is important that the SEA is considered from the beginning of the plan preparation process, when there is sufficient time for it to influence the plan's content and maximise its potential environmental benefits.

A meaningful SEA can challenge those responsible for preparing plans to identify and explore alternative approaches and different options, and highlighting the best options for the environment. It can help to avoid, or minimise any negative environmental impacts and enhance positive ones. It is important to note that 'environmentally friendly' plans can trigger the need for an SEA, just the same as those that are likely to have adverse effects. In the decision about whether an assessment is required the important question is if the plan would be likely to have a significant effect on the environment. The process by which this is done is not based on whether its effects will be good or bad.

The key strengths of SEA are that it:

- requires plan makers to think through options and compare the likely effects on the environment.
- ensures that the environment is considered early and openly.
- facilitates greater consideration of how different plans interact and influence each other and the environment.
- allows policy makers to draw on the environmental expertise offered by statutory consultees.

A SEA should focus on assessing the likely significant environmental effects of implementing a plan and concentrate primarily on the elements that are likely to result in significant environmental effects, either directly or indirectly. The level of detail will vary depending on the specific policy/plan under consideration but the 'bigger picture' should be the starting point.

The 2005 Act identifies Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH) and Historic Scotland as statutory Consultation Authorities. Their role is to offer their environmental expertise at key stages in the SEA process, to help enhance the assessment and improve the overall reporting processes. If you have a specific technical question relating to an SEA you can informally contact the Consultation Authorities for advice. In addition, it may also be helpful to contact the SEA Gateway. This part of the Scottish Government was set up with the specific intention of assisting with the administration of SEA.