



South Cambridgeshire District Council

Equality Impact Assessment (EqIA) Screening Form

This form provides a mechanism to enable staff to identify the need for an EqIA when developing or revising a new or existing policy / strategy / programme / procedure / function / decision (hereafter all understood by the term 'policy'). It will also help staff to prioritise existing policies to undergo a full EqIA.

Unless they are 'screened out' following this initial prioritisation process, policies will be required to undergo a full EqIA, which will determine whether any adverse impacts on protected groups of people have been identified. Refer to the [guidance notes](#) on when an equality screening should happen, and some initial principles to bear in mind when getting started.

No new or revised policy can be approved unless an equality screening and – if required – a full EqIA has taken place.

Name of Policy being screened: Regulation of Investigatory Powers Act (RIPA) 2000
Corporate Policy and Procedures

Service Area: Corporate Services

Lead Officer: Rory McKenna

Team: Legal Service

Start date of screening: 22 March 2017

Completion date of screening: 24 March 2017

Screening questions

1. Is this policy an important or 'large scale' Council function, and / or is it likely the policy will impact upon a large number of people (staff, residents and customers)?

Please tick one box:

Yes	-	No	X	Unknown	-
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RIPA powers have been used to a limited extent in recent years. Only eight authorisations for their use have been made since the beginning of 2011. Going forward, given the transfer of benefit fraud investigations to DWP, this number is likely to be lower.

2. Is it possible that any aspect of the policy will impact on people from different groups in different ways? (See [guidance notes](#) for list of protected characteristics to consider)

Please tick one box:

Yes	-	No	X	Unknown	-
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The policy explains the scope of RIPA and the circumstances where it applies to the Council. It provides guidance on the authorisation procedures to be followed in the event that surveillance is needed and the correct management of the process by the Council.

RIPA does not target or exclude any groups or individuals within the community. RIPA ensures that surveillance is only carried out in a limited and specific way to identify only those conducting criminal activity and that it is both necessary and proportionate.

3. Is there a risk that any aspect of the policy could in fact lead to discrimination or adverse effects against any group of people? (See [guidance notes](#) for list of protected characteristics)

Please tick one box:

Yes	-	No	X	Unknown	-
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RIPA does not target or exclude any groups or individuals within the community. RIPA ensures that surveillance is only carried out in a limited and specific way to identify only those conducting criminal activity and that it is both necessary and proportionate.

Where authorising officers and applicants are aware of particular sensitivities in a local area, the policy states that this should form part of a risk assessment. The policy also states that it must be brought to the attention of the Authorising Officer when deciding whether to authorise the activity.

4. Could any aspect of the policy help the Council to meet one or more of its public sector equality duties? Bear in mind that the duty covers 9 protected characteristics.

Duty	Yes	No	Unknown
Eliminate unlawful discrimination, harassment and victimisation ¹	-	X	-
Advance equality of opportunity between different groups	-	X	-
Foster good relations between different groups	-	X	-

5. Are you aware of any evidence that different groups have different needs, experiences, issues and / or priorities in relation to this policy?

Please tick one box:

Yes	-	No	x	Unknown	-
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No evidence has been found which indicates that different groups have different needs, experiences, issues and / or priorities in relation to South Cambridgeshire's RIPA policy. RIPA ensures that activities are properly controlled and monitored by a senior officer within the Council. This would enable any differential impacts to be identified and addressed.

¹ All 9 protected characteristics (i.e. including marriage and civil partnership status) are relevant to this particular aspect of the duty.

Conclusions

6. What level of EqIA priority would you give to this policy?

High – full EqIA within 6 months, or before approval of policy	-
Medium – full EqIA within one year of screening	-
Low – full EqIA within three years of screening	-
Screen Out – no further EqIA required at this time	X

Please send this completed screening form to Johanna Davies, Policy Development Officer by emailing johanna.davies@scambs.gov.uk so that it can be incorporated into the Council's EqIA schedule.

South Cambridgeshire District Council

Equality Impact Assessment (EqIA) Screening Form: Guidance notes

Getting started – what is the purpose of equality screening?

The main purpose of the initial equality screening is to identify which policies / procedures / strategies / programmes / functions / decisions (hereafter defined as ‘policies’) need to undergo a full equality impact assessment (EqIA). The overall purpose is to ensure that the Council provides inclusive services and has fair and equitable employment policies.

The screening form will enable you to quickly get a sense of whether a particular policy is likely to have a differential impact on any group of people, and whether (a) mitigating action needs to be taken and / or (b) a full EqIA should be carried out.

When should an initial equality screening be done?

An initial equality screening should be carried out as part of the development of any **new policy** or decision making process. This should happen early enough in the process to enable a full EqIA to be carried out if required before the policy or decision is approved.

An initial equality screening should also be carried out on those **existing policies** that are being revised or updated.

What equality groups (protected characteristics) should we be thinking about when conducting an equality impact screening?

When considering whether the policy is relevant to equality, staff should consider whether the policy or decision is likely to impact differentially on any particular group of people. In particular, staff should consider whether the policy or decision is likely to have a negative (or indeed a positive) impact on people because of the presence or absence of one or more of the **9 ‘protected characteristics’** (i.e. those protected by anti-discrimination law), which include:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnerships
- Pregnancy and maternity
- Race
- Religion / belief
- Sex
- Sexual orientation

In addition to considering the list of characteristics protected by law, above, it is good practice to consider whether the policy or decision could affect people differently because of other factors including:

- Rurality – the potential impact on people who are rurally isolated
- Caring responsibilities
- Part-time or fixed-term working arrangements

What are our legal requirements?

The Council has a **legal requirement** to comply with the public sector equality duty. This has three parts, meaning that the Council must:

- Eliminate unlawful discrimination, harassment and victimisation (i.e. that which is prohibited by the **Equality Act 2010**)
- Advance equality of opportunity between different groups (see the list of protected characteristics above)
- Foster good relations between different groups (see the list of protected characteristics above)

To effectively fulfil these duties, the Council needs to assess the impact of its policies and decisions on people who have one or more of the **protected characteristics** listed above.

Determining whether a policy needs to undergo full impact assessment

Consider the five screening questions. Your answers to these will help you to determine whether a policy is relevant to equality and the equality duties, and therefore if it should undergo a full EqIA.

Screening Questions

1. Is this policy an important or 'large scale' Council function, and / or is it likely the policy will impact upon a large number of people (staff, residents and customers)?

If the policy is a major or large scale Council function, it is more likely that it will need to undergo a full EqIA. Likewise, if it is likely that the policy will be relevant to or will impact upon a large number of staff, residents and customers, there is a higher probability that it should undergo a full EqIA. Sometimes you might need to determine the relative importance, scale or relevance of a policy to people by comparing it to other policies you are screening (or have screened before).

It is likely that a policy that could profoundly affect a small number of people would be regarded as higher priority for a full EqIA than one which is relevant to a lot of people, but which has minimal or no differential impact. For example, although maternity policy only affects a proportion of staff, its equality impact is likely to be more significant than, say, procedures relating to the completion of expense forms, which might actually be relevant in numerical terms to more people.

If you don't know how significant or large scale the policy is and you are unable to find out from a colleague, then it is safer to assume that the policy should undergo a full EqIA at some point. **The Policy and Performance Team can advise on where fits into corporate planning.**

2. Is it possible that any aspect of the policy will impact on people from different groups in different ways?

If a policy is likely to impact on people from different groups in different ways (a 'differential impact') it should normally undergo a full EqIA. This is to ensure that the differential impacts

are considered, and any negative effects are removed. A full EqIA will also allow staff to consider whether there is an opportunity to promote equality between groups of people. For example, making changes to a policy on flexible working arrangements might have a negative – or potentially a positive – impact on people with caring responsibilities. This is because statistically speaking, more women than men identify themselves as primary caregivers; changes to this policy might have a greater potential impact on women than men.

It will be important to remember that, **just because an impact is unknown does not mean that there is no impact on a particular group**. In fact, if very little or no information is known about the impact of a policy on a particular group of people, it is more likely that a full EqIA would be required.

3. Is there a risk that any aspect of the policy could in fact lead to discrimination or adverse effects against any group of people?

If there is any risk that a policy could lead to discrimination or adverse effects against any group of people, a full EqIA must be carried out and steps should be taken to remove or address this risk. This might involve simply considering information that already exists, or it might require further information to be sought from people in the group thought to be at risk of discrimination.

When considering this question, staff should think about potential discrimination against any group of people but should be particularly mindful of the Council's legal duties to prevent discrimination and harassment on the grounds of 9 protected characteristics (age, disability, gender reassignment, marriage and civil partnership status, pregnancy and maternity, race, religion / belief, sex, and sexual orientation.)

Bear in mind that discrimination can be either direct or indirect. For example, a policy or decision that disadvantages part time or fixed-term workers would be likely to indirectly disadvantage female workers more significantly than male workers. In such a case, staff should consider whether an adverse effect for part-time or fixed-term workers would actually amount to indirect discrimination on the grounds of gender. If so, steps should be taken to amend the policy to ensure that this does not happen.

Staff should remember that people are also protected by the law if they are discriminated against because they are **perceived** to have protected characteristics (whether in fact they have it or not) or because they are **associated** with someone who has one of the protected characteristics.

4. Could any aspect of the policy help the Council to meet one or more of its public sector equality duties? Bear in mind that the duty covers 9 protected characteristics.

If the policy has the potential to help the Council meet one of the three component parts of its public sector equality duty, it should normally undergo a full EqIA, so that the Council can be satisfied that all steps to realise this potential have been taken. For example, a new staff induction programme would have the potential to help the Council fulfil its duties to promote equality and good relations between members of different racial groups and between men and women, and to promote positive attitudes towards disabled people. Through a full EqIA, the Council could explore ways to effectively fulfil these duties as part of the design of the programme.

When considering the three component parts of the equality duty, it is important to apply the questions to each of the **9 protected characteristics** covered by the equality duty. In respect of the first component (which relates to discrimination, harassment or victimisation), staff must also consider whether this is relevant in respect of **marriage and civil partnership status**, which is protected by anti-discrimination law.

- 5 Are you aware of any evidence that different groups have different needs, experiences, issues and / or priorities in relation to this policy?

This question seeks to find out what is already known about how the policy affects or is likely to affect people from different groups. If information, research or previous consultations with particular groups of people have indicated that a policy could disadvantage them – or indeed that amending a policy in some way could result in a positive impact for that group – that information should be explored and considered when developing the policy. A full EqIA should therefore be considered.

In order to answer this question, the member of staff conducting the screening should think about what information is available, either within the Council or from other sources. This

could involve research findings, the outputs of previous consultation, staff or resident surveys, statistical data, or from equality monitoring that has taken place in the Council.

If there is very little or no evidence about the needs / experiences of different groups in relation to a particular policy, there is a strong possibility that a full EqIA would need to be done – particularly if the policy relates to a significant or large scale function, a function involving a lot of people, if there is a risk of discrimination, or if there is potential for the Council to fulfil its equality duties. This would involve gathering information about the potential impact of a policy on different groups of people, to ensure that that the policy would not impact negatively on people and that any opportunities to promote equality could be identified and exploited effectively. Consultation on draft policies **can help** to fill this gap.

Conclusions

5. What level of EqIA priority would you give this policy?

Once you have answered the screening questions, you should be in a position to decide how urgent a full EqIA on the policy will be. Most policies will have some impact on people, and as such, a significant number of policies will be required to undergo some form of EqIA at some point. However, because of the vast number of policies either in place or under development within the Council, it will be vital to prioritise. Possible outcomes:

- If you have answered 'yes' to all or most of the screening questions, it is very likely that the policy should undergo a full EqIA as a **high priority**.
- If you have only answered 'yes' to some questions, then you will need to think whether the particular issues you have identified are sufficiently significant to equality to require a full EqIA. For example, if the policy is not large scale, does not affect a lot of people, and there is no evidence of previous differential impact but there is a risk of discrimination in future, then the policy should undergo a full EqIA as a **medium priority**.
- Conversely, if the policy is likely to affect a lot of people, but there is minimal relevance to the equality duties, a low likelihood of differential impact, and a low risk of discrimination, then a full EqIA will be **low priority**.
- If you have answered 'no' to all of the questions and it is genuinely concluded that a policy has no relevance to equality, it could be '**screened out**' of the process (e.g.

some financial / accounting policies / procedures). Rather than completing a full EqIA, the person conducting the screening should clearly set out the reasons why a full EqIA would not be required.

Once you have determined that the policy needs a full EqIA, you will have to decide when this should happen. If a policy is under development or review, the EqIA should be undertaken as soon as possible as part of the policy development / review process, and certainly before the policy is approved. EqIAs on new policies should be regarded as **high priority**.

Existing policies might also be **high priority** for a full EqIA in some cases – for example, if a change in legislation or government policy means that the existing policy puts the Council at risk of discriminating or acting unfairly (e.g. some existing HR policies had to be reviewed urgently as a result of the Equality Act in 2010).

Once you have identified the highest priority policies, the remainder of existing policies might be regarded as either **medium** or **low priority**, depending on their aims and potential impact on people. Factors such as the scale or importance of the policy to the Council's Corporate Plan; the number of people likely to be affected; and the potential impact on the Council's reputation are all factors that might help to make a judgement on the level of priority for EqIA.

The judgement of priority should be made by the 'owner' of the policy (i.e. the person carrying out the equality screening). It is important to note that the priority of a policy cannot be precisely calculated: it must be judged. Prioritisation is by its very nature subjective and will follow the assessment of the potential impact of one policy compared to that of another. If in doubt, discuss this with colleagues or seek the advice of the Policy Development Officer.

Reasonable timescales for EqIA of policies are set out below:

High Priority	–	full EqIA within 6 months, or before approval of policy
Medium Priority	–	full EqIA within one year of screening
Low Priority	–	full EqIA within three years of screening
Screen Out	–	no further EqIA required at this time

EqIA monitoring

Timescales for the completion of full EqIAs will be incorporated into the Council's EqIA schedule, which will be monitored regularly by the Executive Management Team and Portfolio Holder with responsibility for Equality and Diversity.

Further information

For further information and advice on equality screening, please contact Johanna Davies, Policy Development Officer, by emailing johanna.davies@scambs.gov.uk