IMPACT ASSESSMENT GUIDE AND CHECKLIST
2019

Contents

Section 1 Introduction

The Council is required to take steps to comply with a range of legislation when developing new or updated 'proposals'. This includes policies, plans, procedures, programmes, frameworks, strategies, strategic decisions, service changes, masterplans etc. Assessments are only required where relevant and the extent to which they are carried out should be proportionate to the scale and scope of the proposal. Not all proposals will require all assessments and some may need more significant assessment work than others. The Impact Assessment Checklist at **Appendix 5** should be completed early to determine relevance and proportionality.

What are the impact assessments?

- Equality Impact Assessment (**Appendix 1**)
- Strategic Environmental Assessment (**Appendix 2**)
- Corporate Risk Assessment (**Appendix 3**)
- Data Protection Impact Assessment (**Appendix 4**)

Why do we need to do them?

The assessments of these proposals provide important information to inform elected members of the relevant implications of assessment impacts identified and proposed recommendations. The assessments also provide evidence that full consideration has been given to potential relevant impacts during the preparation of proposals and that these impacts were taken into account when decisions were made.

Failure to take account of the legislative requirements at the policy planning stage can ultimately result in enforcement action and/or financial and reputational damage to the Council. It is also imperative that officers consider proposals within the context of the Council's strategic priorities, adopted in 2017. We have six local outcomes and seven guiding principles for working:

East Dunbartonshire has a sustainable and resilient economy with busy town and village centres, a growing business base, and is an attractive place in which to visit and invest.

Our people are equipped with knowledge and skills for learning, life and work.

Our children and young people are safe, healthy and ready to learn.

East Dunbartonshire is a safe place in which to live, work and visit.

Our people experience good physical and mental health and wellbeing with access to a quality built and natural environment in which to lead healthier and more active lifestyles.

Our older population and more vulnerable citizens are supported to maintain their independence and enjoy a high quality of life, and they, their families and carers benefit from effective care and support services.

Figure 2: Local Outcomes

Best Value	Coproduction and engagement	Evidence based planning
Fair and equitable services	Planning for place	Prevention and early intervention
	Sustainability	

Figure 2: Guiding Principles

The Impact Assessment Checklist provides an opportunity to demonstrate links to these. You can read more about our strategic priorities on the Hub[1].

[1] The Hub > Home > Council > Plans, Policies And Strategies > Strategic Plans and Policies > Local Outcomes Improvement Plan 2017-2027

When do we do them?

It is crucial that the Impact Assessment Checklist (**Appendix 5**) is completed at the inception stage of the proposal in order to determine the assessment(s) required and programme in any support from the relevant officers. For example, a full Strategic Environmental Assessment (SEA) can require several weeks to complete prior to the development of a draft proposal. The other assessments will also require time to gather and consider information from relevant stakeholders. Once relevant assessments are identified, working times vary.

- The **Equality Impact Assessment (Appendix 1), Risk Assessment (Appendix 3) and Data Protection Impact Assessment (Appendix 4)** should be treated as live documents that are drafted throughout the development and writing of the proposal. They should also be referred to after implementation in order to monitor the related impact.
- Strategic Environmental Assessments require various timescales– See **Appendix 2** for more information.

Who is responsible?

The officer responsible for the development of the proposal should complete the Impact Assessment Checklist and lead on their assessments. Different levels of support can be provided for each of the assessments, including determining eligibility for SEA specifically, but it is crucial that reasonable time is given to programme this in. Accountability for completion of the required assessments lies with the Executive Officer for the service leading the proposal.

How do we ensure accessibility of our information?

The Council's Accessible Information Policy [2] states how information we provide should be presented to ensure it is clear and can be understood by everyone, from employees to contractors to local residents.

More Information and Support

Please email impactassessments@eastdunbarton.gov.uk for further information and support on the Impact Assessment Checklist and assessments requirements. Teams with responsibility for individual assessments can be contacted via the details below:

Equality Impact Assessment, Community Planning and Partnerships Team –
equality@eastdunbarton.gov.uk/03001234510

Strategic Environmental Assessment, Sustainability Policy Team – sustainability@eastdunbarton.gov.uk

Risk Assessment – David.Pendreigh@eastdunbarton.gov.uk/0141 574 5560

Data Protection Impact Assessment - Stephen.Armstrong@eastdunbarton.gov.uk/0141 578 8057

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[2] The Hub > Council > Plans, policies and strategies > Communications > Accessible Information Policy 2016-19

Section 2 Impact Assessment Flowchart

Appendix 1 Equality Impact Assessment

Equality Impact Assessment Toolkit (inclusive of guidance and form) is available on the Hub[3].

The Council is required by the Equality Act (2010) to actively consider and take steps to:

- **Remove unlawful discrimination** such as less favorable treatment. This is more commonly unintended and indirect.
- **Advance equality of opportunity** by minimizing disadvantages, working in ways to meet different needs and encouraging groups of people to participate in public life where their representation is low.
- **Foster good relations** between people who share a characteristic and those who do not share that characteristic such as people of different ethnicities or languages spoken.

The Council's Equality Impact Assessment (EqIA) form helps to identify and record what it will do in relation to one or more of these.

The key purpose of an EqIA is to identify any disproportionate impact on groups of people that could take place as a result of a proposal being implemented. It allows the Council to set proportionate and relevant steps to mitigate adverse impact and/or highlight and build on positive impact.

You should think about potential impact at two different levels:
1. The potential impact of **what** you are proposing to do e.g. the objectives of a strategy; and
2. The potential impact of **how** you are going to implement the proposal and communicate it with the relevant audience.

If what you are proposing[4] is heavily prescribed by Scottish Government for example, that doesn't mean you can't consider the potential impact of how you implement and communicate it. For example, where, when, in what format, and using what methods. These all need to be considered once you know who the audience or service user group is.

The quality of an impact assessment comes from the knowledge and expertise of the team who is responsible for the proposal. It is essential for the Officers conducting the assessment to know who the audience is and have in-depth appreciation of what is being proposed. Only then will Officers be able to effectively assess whether the proposal and the way it is implemented could have disproportionate impact on a group(s) of people.

The Council's approved Equality Impact Assessment (EqIA) Toolkit should always be used. This ensures consistency of approach, clear record of potential impact and enables Elected Members to make informed decisions. The toolkit contains step by step guidance, a form for general proposals and a form for budget proposals. Once complete, the form should be appended to the relevant Council/Committee/Board/Panel

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[3] The Hub > Home > Business > Business and Management Toolkits > Equality Impact Assessment
[4] Proposals include policies, plans, procedures, programmes, frameworks, strategies, strategic decisions, service changes, masterplans etc.

report. If your proposal is being implemented without consideration at this level, you must keep a record of the EqIA.

Implications from a failure to do this include:
- Unintentional harm to communities or individuals due to lack of consideration.
- Legal challenge.
- Breakdown in trust and respect from communities towards the Council.
- Direct or indirect costs due to the need for corrective action.

Legislative requirements around equality and diversity have changed significantly. **The Equality Act 2010 supersedes and enhances over 100 separate pieces of previous legislation.** This includes:
- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations (Amendment) Act 2000
- Disability Discrimination Act (DDA) 1995 & 2005
- Equality Act 2006

Appendix 2 Strategic Environmental Assessment

SEA is a statutory requirement for **all** Council 'policies', referred to as strategic actions for the purposes of SEA (including alterations and updates). The requirement for SEA is provided for in the Environmental Assessment (Scotland) Act 2005 (SEA Act) which came into force in February 2006 transposed from EU Directive 2001/42/EC on the Assessment of Certain Plans and Programmes on the Environment (EU SEA Directive).

The purpose of the SEA legislation is to provide a high level of protection of the environment and to contribute to the integration of environmental considerations into the creation and adoption of all strategic actions produced by public bodies with a view to promoting sustainable development.

The SEA legislation requires action to be taken on all strategic actions produced by the Council, except those specifically excluded from the legislation or to which the Act does not apply[5]. The main stages of SEA include:
1. Pre-Screening
2. Screening
3. Scoping
4. Environmental Assessment
5. Post-Adoption Statement

Figure 3 shows the stages and the inter-relationships between each and who is responsible.

The Sustainability Policy Team offers a range of proactive support to help the Council achieve compliance with SEA, including the undertaking of a SEA audit to forecast and programme future Council assessment needs. Awareness raising sessions are also carried out with individual teams, where required, and relevant information and documents relating to the SEA process and completed SEA can be found on the 'Assessment Officers Forum' on IBM Connections.

The Procedure Note[6] and SEA Process – Timeline of Stages[7] provide full details on East Dunbartonshire Council's SEA process and legislative requirements, including:
a) Statutory context
b) Why and when do we do SEA, and what happens if we don't?
c) Overview of SEA procedure and responsibilities
d) What are the mechanisms for monitoring the delivery of mitigation measures?
e) Useful links and contact details

Further information is available from the Scottish Government[8].

Key: Responsibility
Lead policy development officer/Strategic Lead with input from SEA Officer
SEA Officer with input from lead policy development officer/Strategic Lead

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[5] National defence or civil emergency plans; financial and budgetary plans; and, plans relating to individual schools

[6] IBM Connections > Communities > Assessment Officers Forum > Library > SEA Procedure Note

[7] IBM Connections > Communities > Assessment Officers Forum > Library > Policy Development Framework > 2.1 Strategic Environmental Assessment Process – Timeline of Stages
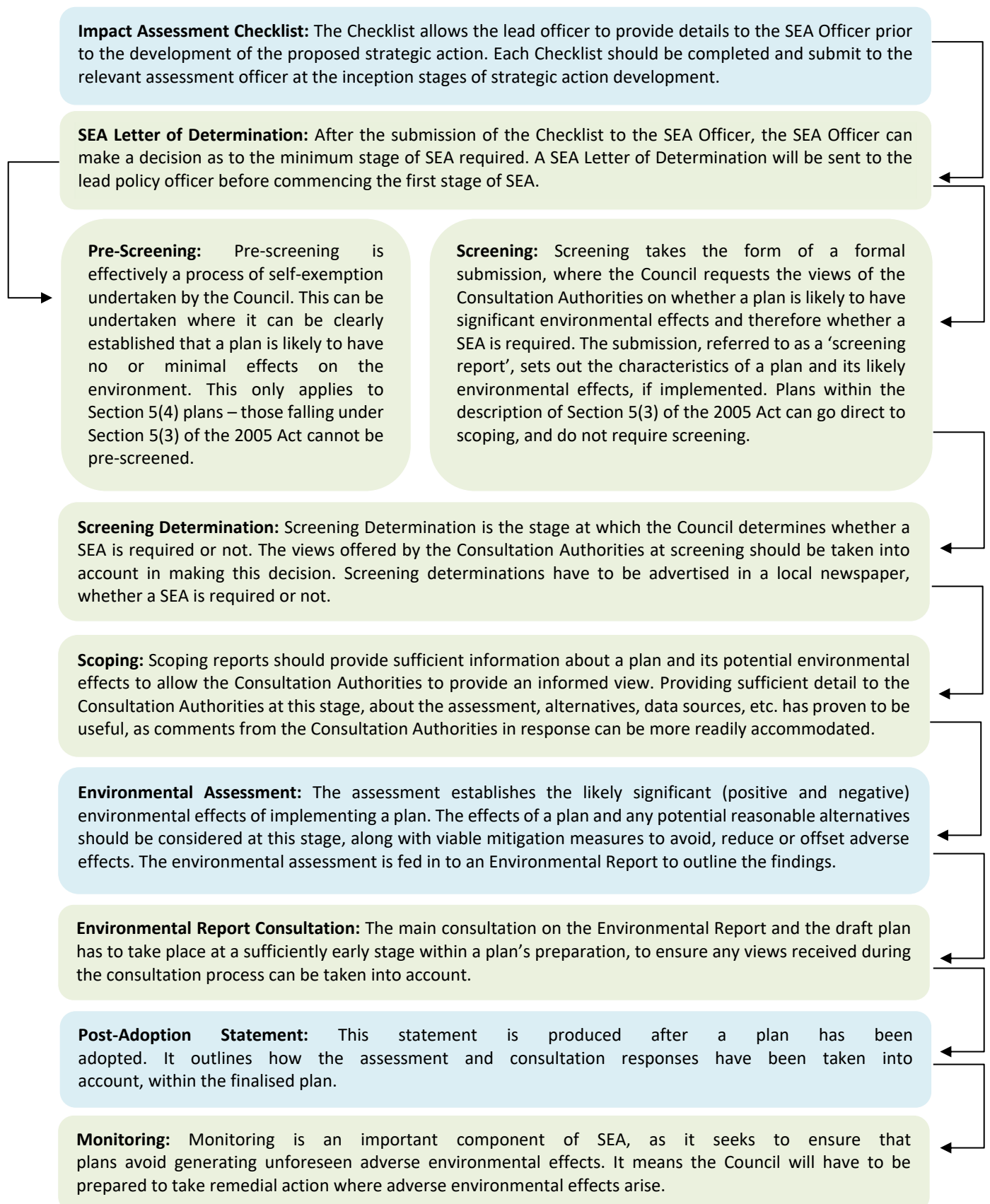
[8] http://www.gov.scot/Topics/Environment/environmental-assessment/sea

Impact Assessment Checklist: The Checklist allows the lead officer to provide details to the SEA Officer prior to the development of the proposed strategic action. Each Checklist should be completed and submit to the relevant assessment officer at the inception stages of strategic action development.

SEA Letter of Determination: After the submission of the Checklist to the SEA Officer, the SEA Officer can make a decision as to the minimum stage of SEA required. A SEA Letter of Determination will be sent to the lead policy officer before commencing the first stage of SEA.

Pre-Screening: Pre-screening is effectively a process of self-exemption undertaken by the Council. This can be undertaken where it can be clearly established that a plan is likely to have no or minimal effects on the environment. This only applies to Section 5(4) plans – those falling under Section 5(3) of the 2005 Act cannot be pre-screened.

Screening: Screening takes the form of a formal submission, where the Council requests the views of the Consultation Authorities on whether a plan is likely to have significant environmental effects and therefore whether a SEA is required. The submission, referred to as a 'screening report', sets out the characteristics of a plan and its likely environmental effects, if implemented. Plans within the description of Section 5(3) of the 2005 Act can go direct to scoping, and do not require screening.

Screening Determination: Screening Determination is the stage at which the Council determines whether a SEA is required or not. The views offered by the Consultation Authorities at screening should be taken into account in making this decision. Screening determinations have to be advertised in a local newspaper, whether a SEA is required or not.

Scoping: Scoping reports should provide sufficient information about a plan and its potential environmental effects to allow the Consultation Authorities to provide an informed view. Providing sufficient detail to the Consultation Authorities at this stage, about the assessment, alternatives, data sources, etc. has proven to be useful, as comments from the Consultation Authorities in response can be more readily accommodated.

Environmental Assessment: The assessment establishes the likely significant (positive and negative) environmental effects of implementing a plan. The effects of a plan and any potential reasonable alternatives should be considered at this stage, along with viable mitigation measures to avoid, reduce or offset adverse effects. The environmental assessment is fed in to an Environmental Report to outline the findings.

Environmental Report Consultation: The main consultation on the Environmental Report and the draft plan has to take place at a sufficiently early stage within a plan's preparation, to ensure any views received during the consultation process can be taken into account.

Post-Adoption Statement: This statement is produced after a plan has been adopted. It outlines how the assessment and consultation responses have been taken into account, within the finalised plan.

Monitoring: Monitoring is an important component of SEA, as it seeks to ensure that plans avoid generating unforeseen adverse environmental effects. It means the Council will have to be prepared to take remedial action where adverse environmental effects arise.

Figure 3: SEA Compliance Flowchart

Appendix 3 Corporate Risk Assessment

When a new proposal is being developed, it is essential that all risks to the Council in implementing and delivering the proposal are identified and assessed. The Council has developed a robust and proactive Corporate Risk Management Strategy[9] to guide and support this approach. Risks can affect many aspects of the Council's performance and directly impact service users and staff. There are many categories of risk with some of the more common ones being Financial, Compliance, Health & Safety and Reputational. Consequently, when implementing new proposals, we need a clear understanding of what associated risks the Council faces and how these risks will be managed and controlled.

A Risk Assessment (RA) template has been created to assist in the identification and assessment of risks associated with a new or updated proposal. The officer responsible for the development of the proposal should complete the Impact Assessment Checklist prior to and alongside the development of the proposal and its associated RA.

The key component stages of the assessment document are:
1. Definition and assessment of risk based on likelihood of occurrence and severity of impact,
2. Identification of existing risk management controls, and
3. Recording of risk management improvement actions.

Depending on the level of risk identified (**Risk Rank**) a decision will be made on the most appropriate strategy to treat the risk. There are 3 levels of Risk Rank identified within the RA template:
1. **High** – Unacceptable level of risk to the Council
2. **Medium** – Acceptable level of risk to the Council with frequent monitoring of controls.
3. **Low** – Acceptable level of risk to Council

There are four major categories of **risk treatment**:
1. **Terminate** (Withdraw from the activity giving rise to the risk)
2. **Treat** (Reducing the likelihood or impact of the risk occurring)
3. **Transfer** (Transferring the risk to a third party (e.g. insurance or outsourcing)
4. **Tolerate** (Accepting the risk as it is)

The undernoted graphic illustrates the range of recommended treatment strategy(s) available for each Risk Rank.

Risk Rank	Terminate	Treat	Transfer	Tolerate
High	✓	✓	✓	X
Medium	X	✓	✓	✓
Low	X	X	X	✓

Further help and advice on completing the Risk Assessment document can be obtained from the Audit and Risk Department.

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[9] The Hub > Council> Plans, policies and strategies > Corporate Risk Management

Appendix 4 Data Protection Impact Assessment

Under the General Data Protection Regulations (GDPR) and Data Protection Act 2018, the Council's use of personal information must be fair lawful and transparent. Not only does the Council have a duty to protect peoples' right to privacy but must also be able to evidence this.

GDPR has introduced a vastly increase system of financial penalties for breaches of the legislation. Organisations, such as the Council, can now be fined up to €20 million for failures to comply with GDPR.

The Council operates under the principle of 'privacy by design' under which there is a commitment to ensure that individual's rights to privacy form an integral part in the planning and operation of Council processes from the very earliest stage. A vital tool in meeting this commitment are Data Protection Impact Assessments (DPIAs).
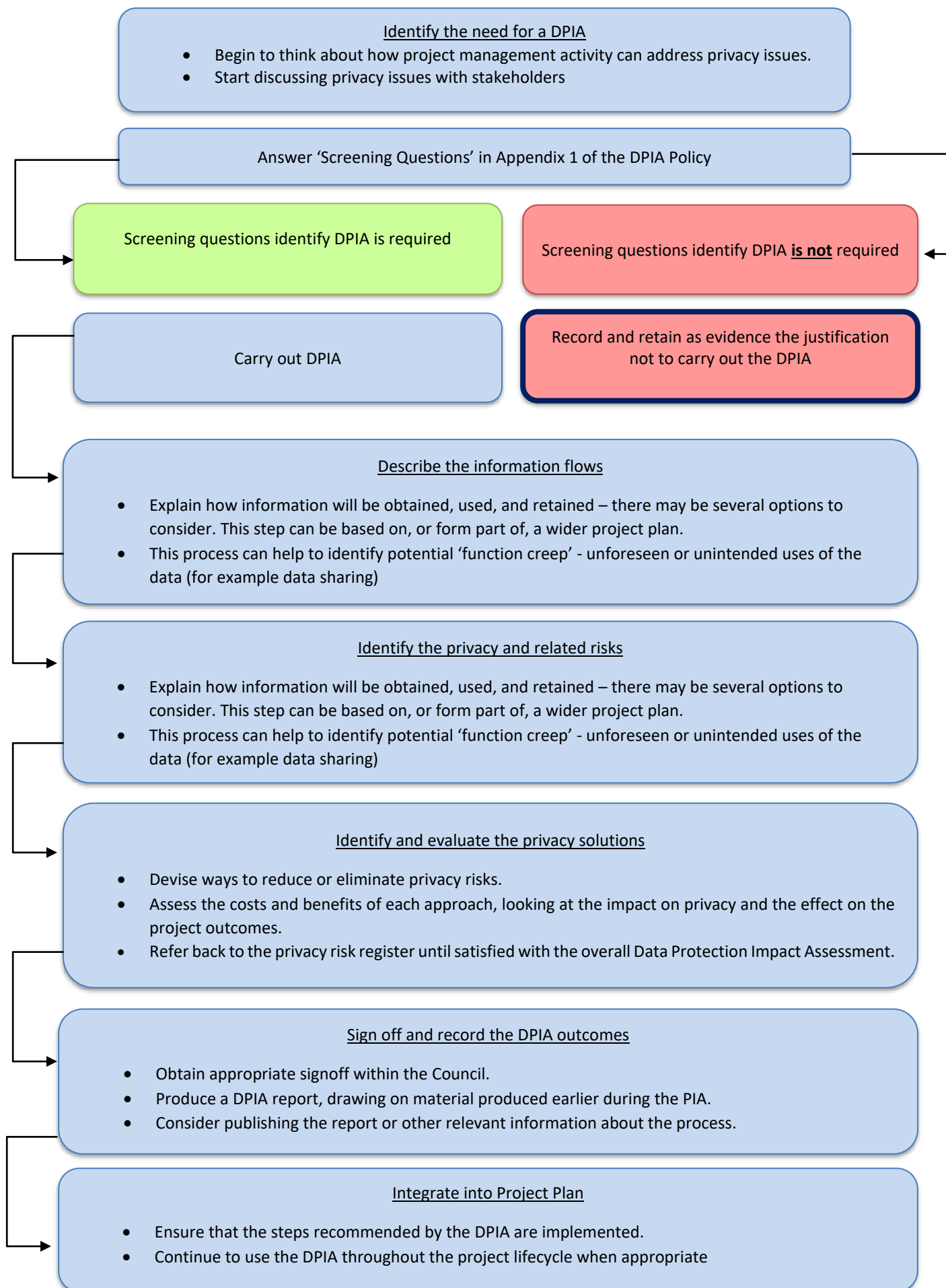
A DPIA is a process which assists organisations in identifying and minimising the privacy risks of new projects or policies.

A DPIA enables an organisation to systematically and thoroughly analyse how a particular project or system will affect the privacy of the individuals involved.

An effective DPIA will allow East Dunbartonshire Council ("the Council") to identify and fix problems at an early stage, reducing the associated costs and damage to reputation which might otherwise occur.

DPIAs are often applied to new projects, because this allows greater scope for influencing how the project will be implemented. A DPIA can also be useful when the Council is planning changes to an existing system though.

The DPIA Policy provides the practical steps required in order to carry out the process. A guide to this process is provided below. Further help and advice on completing the DPIA can be obtained from the Council's Data Protection Officer and Information Management Team.

Identify the need for a DPIA
- Begin to think about how project management activity can address privacy issues.
- Start discussing privacy issues with stakeholders

Answer 'Screening Questions' in Appendix 1 of the DPIA Policy

Screening questions identify DPIA is required

Screening questions identify DPIA **is not** required

Carry out DPIA

Record and retain as evidence the justification not to carry out the DPIA

Describe the information flows
- Explain how information will be obtained, used, and retained – there may be several options to consider. This step can be based on, or form part of, a wider project plan.
- This process can help to identify potential 'function creep' - unforeseen or unintended uses of the data (for example data sharing)

Identify the privacy and related risks
- Explain how information will be obtained, used, and retained – there may be several options to consider. This step can be based on, or form part of, a wider project plan.
- This process can help to identify potential 'function creep' - unforeseen or unintended uses of the data (for example data sharing)

Identify and evaluate the privacy solutions
- Devise ways to reduce or eliminate privacy risks.
- Assess the costs and benefits of each approach, looking at the impact on privacy and the effect on the project outcomes.
- Refer back to the privacy risk register until satisfied with the overall Data Protection Impact Assessment.

Sign off and record the DPIA outcomes
- Obtain appropriate signoff within the Council.
- Produce a DPIA report, drawing on material produced earlier during the PIA.
- Consider publishing the report or other relevant information about the process.

Integrate into Project Plan
- Ensure that the steps recommended by the DPIA are implemented.
- Continue to use the DPIA throughout the project lifecycle when appropriate

Impact Assessment Checklist
1. Title of proposal[10]
2. Accountable Executive Officer
3. Designated Officers (Names and Job Titles) for developing proposal
4. What is the nature of the proposal?
☐ Update or introduction of a new policy, plan, strategy etc.
☐ Review existing or introduction of new service or function
☐ Reduction or removal of an existing service or function
☐ Budget proposal
☐ Other (e.g. technical note, decision). Please provide details: Click or tap here to enter text.
5. What are the main implications from this proposal? Select all that apply
☐ Introduction/removal or increase/decrease of charging
☐ Increase or addition of a service
☐ Reduction or removal of a service
☐ New ways of working or updates to procedures
☐ Different location, format or time of a service
☐ New/changed options or entitlements
☐ New/changed priorities or criteria
☐ Other. Please provide details: Click or tap here to enter text.
6. What is the purpose of the proposal?
7. What are the proposed vision, aims and objectives, if applicable?
8. What prompted the development of the proposal? (e.g. new legislation, administrative)
9. What is the subject of the proposal (e.g. transport, land use, health)?
10. What are the intended outcomes and functions of the proposal?
11. Will the proposal be driven by, influence or be influenced by any other existing or emerging proposals?
12. Has a previous version, or parts (e.g. objectives, actions) of this proposal been considered by any assessment before this?
☐Equality Impact Assessment ☐Risk Assessment ☐Strategic Environmental Assessment ☐Data Protection Impact Assessment **If yes for 1 or more assessment, please provide details:** Click or tap here to enter text.

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[10] This includes policies, plans, procedures, programmes, frameworks, strategies, strategic decisions, service changes, masterplans etc.

Impact Assessment Checklist

13. What is the period covered by the proposal and/or implementation date

14. What is the frequency of updates/reviews (e.g. annual)? Please include dates if possible

15. Identify how the proposal supports the Local Outcomes Improvement Plan (LOIP)[11] select all that apply

☐ **Outcome 1:** East Dunbartonshire has a sustainable and resilient economy with busy town and village centers, a growing business base, and is an attractive place in which to visit and invest

☐ **Outcome 2:** Our people are equipped with knowledge and skills for learning, life and work

☐ **Outcome 3:** Our children and young people are safe, healthy and ready to learn

☐ **Outcome 4:** East Dunbartonshire is a safe place in which to live, work and visit

☐ **Outcome 5:** Our people experience good physical and mental health and wellbeing with access to a quality built and natural environment in which to lead healthier and more active lifestyles

☐ **Outcome 6:** Our older population and more vulnerable citizens are supported to maintain their independence and enjoy a high quality of life, and they, their families and carers benefit from effect care and support services

☐ **Guiding Principle 1:** Coproduction and engagement

☐ **Guiding Principle 2:** Best Value

☐ **Guiding Principle 3:** Evidence based planning

☐ **Guiding Principle 4:** Fair and equitable services

☐ **Guiding Principle 5:** Planning for place

☐ **Guiding Principle 6:** Prevention and early intervention

☐ **Guiding Principle 7:** Sustainability

16. Who is the main audience for this proposal? Select all that apply

☐ East Dunbartonshire Council employees

☐ Contractors or organisations/individuals carrying out a service on behalf of the Council

☐ Voluntary sector groups/organisations

☐ People living in a specific area of East Dunbartonshire. Please detail: Click or tap here to enter text.

☐ Everyone living in East Dunbartonshire

☐ People working, studying or volunteering in East Dunbartonshire

☐ Visitors to East Dunbartonshire

☐ Specific group(s) of people with a shared interest.

    ☐ Experiencing socioeconomic disadvantage (this includes low/no wealth, low income, area deprivation, material deprivation)

    ☐ Being in a particular age category

    ☐ Being from a black or ethnic minority group e.g. Gypsy/Travellers

    ☐ Speaking a language other than English

    ☐ Women or girls

    ☐ Identifying as Lesbian, Gay Bisexual or Transgender

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[11] The Hub > Home > Council > Plans, Policies And Strategies > Strategic Plans and Policies > Local Outcomes Improvement Plan 2017-2027

Impact Assessment Checklist

☐ Belonging to a particular religion or faith

☐ Pregnant women or those on maternity/paternity leave

☐ Having a long term limiting health condition or disability

☐ Another marginalised group e.g. those experiencing homelessness, offenders/ex-offenders.
Please detail:
Click or tap here to enter text.

☐ None of the above

17. Strategic Environmental Assessment (SEA)

Stage 1: On completion and submission of the Impact Assessment Checklist to the relevant assessment officer(s) the level of SEA required will be determined.

Stage 2: To be completed after Stage 1 and receipt of SEA Letter of Determination to identify relevant stages of SEA needed and completed.

☐SEA Letter of Determination☐Pre-Screening Notification

☐Screening Report

☐Screening Determination

☐Scoping Report

☐Environmental Report **OR** ☐SEA Letter of Determination stated SEA not required

18. Risk Management

Please tick boxes to confirm completion of each stage.

☐Conduct Risk Assessment

☐ Risks Assessment document reviewed by Corporate Risk Adviser

☐Risks Assessment document attached to Committee/Council papers along with Impact Assessment Checklist

19. Data Protection Impact Assessment

Please tick boxes to confirm completion of each stage.

☐ DPIA Screening Questions

Is a full DPIA required?
If yes:
☐Full DPIA carried out

If no:
DPIA Screening complete & no further DPIA required

Signed:

Date: Click or tap to enter a date.