

Equality Impact Assessment Template – Policy, function or strategy

This document should be completed when a new policy, function or strategy is introduced or when a substantive change to an existing policy, function or strategy is recommended.

1. Policy, function or strategy		
a.	Name/description of the policy, function or strategy ¹	Regulation of Investigatory Powers (Scotland) Act 2000 Policy 2023
b.	Responsible organisation(s)/Lead Service	Legal, Democratic, Digital & Customer Services
c.	Lead Officer	Iain Strachan, Head of Legal, Democratic, Digital & Customer Services
d.	Date of Impact Assessment	26 October 2023
e.	Partners/other Services involved in the development of the policy, function or strategy	None
f.	Is the policy, function or strategy?	<input type="checkbox"/> New
		<input checked="" type="checkbox"/> Reviewed/Revised
g.	What is the purpose of the policy, function or strategy (include details of any new legislation which prompted the introduction of the policy, function or strategy or the substantive change to the policy, function or strategy)?	The objective of this policy is to ensure that all work involving directed surveillance by Inverclyde Council employees is carried out effectively while remaining in accordance with the law, in particular the Regulation of Investigatory Powers (Scotland) Act 2000. Directed surveillance is defined as covert surveillance undertaken "for the purposes of a specific investigation or operation" and "in such a manner as is likely to result in the obtaining of private information about a person".

¹ Please attach details of the policy, function or strategy to this Template

h.	What are the intended outcomes of the policy, function or strategy?	That the Council complies with its legal duties and best practice in terms of the above-mentioned 2000 Act, and the such directed surveillance is conducted in a suitable manner.	
i.	Geographical area (Inverclyde-wide or a specific location)	Inverclyde-wide	
j.	Which parts of the Equality Duty will the policy, function or strategy impact on?	X	Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by The Equality Act 2010
		X	Advance equality of opportunity between people of different groups
		X	Foster good relations between people from different groups
k.	Will those who may be directly or indirectly affected by the policy, function or strategy be involved in its development?	The Council's cross-service Information Governance Steering Group, Public Protection, and the Corporate Management Team, were all consulted on this policy review.	

2. Does the policy, function or strategy impact on:		
	Yes	No
a. Protected Characteristics under The Equality Act 2010: Age; Care experienced; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion and Belief; Sex; Sexual Orientation (see Section 3)	X	
b. Reducing inequalities of outcome caused by socio-economic disadvantage – Fairer Scotland Duty ² (see Section 6)	-	X

² [Fairer Scotland Duty: guidance for public bodies](#)

c. Inverclyde Alliance Partnership Plan 2023/33 ³ (see Section 7)	X	
d. Council Plan 2023/28 ⁴ (see Section 8)	X	
3. If 'Yes' is selected for any part of Section 2, please populate the other relevant Sections of this Template.		
4. If 'No' is selected for <u>every part</u> of Section 2, please state the reasons for this.		
<p>Please sign below and email a copy of this Template to Karen Barclay, Corporate Policy and Performance Officer:</p> <p><u>karen.barclay@inverclyde.gov.uk</u></p>		
Signature:	Date:	

3. Impact – Protected Characteristics				
Which of the Protected Characteristics will the policy, function or strategy have an impact upon?				
	Impact			
Protected Characteristic	Positive High Low	Neutral	Negative High Low	Reasons/Comments

³ [Inverclyde Alliance Partnership Plan 2023/33](#)
⁴ [Council Plan 2023/28](#)

Classification : Official

Age		X				Policy relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services. It might, however, assist in the protection of children and young people, for instance if used in the test purchasing of alcohol/cigarettes or for child protection work. Juveniles will only be authorised to act as a source in very specific circumstances, and the authorisation of the relevant Authorising Officer shall be required.
Care experienced			X			Policy relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services It might, however, assist in the protection of those with care experience, for instance if used for child/adult protection work.
Disability			X			Policy relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services. Vulnerable individuals (such as the mentally impaired) will only be authorised to act as a source in the most exceptional circumstances and the authorisation of the relevant Authorising Officer shall be required.
Gender Reassignment			X			Policy relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services.
Marriage and Civil Partnership			X			Policy relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services.
Pregnancy and Maternity			X			Policy relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services.
Race			X			Policy relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services.
Religion and Belief			X			Policy relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services.
Sex			X			Policy relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services.

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Sexual Orientation			X			Policy relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services.
Other groups to consider <ul style="list-style-type: none"> • Carers • The Armed Forces Covenant Duty 			X			Policy relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services.

4. Which parts of the Equality Duty will the policy, function or strategy have an impact upon?	
X	Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by The Equality Act 2010
X	Advance equality of opportunity between people from different groups
X	Foster good relations between people from different groups

5. Impact – Groups

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From the information you have highlighted above, describe the positive and negative impacts and the groups affected under The Equality Act 2010.	
Positive impact + N/a	Negative impact - N/a

6. Impact – Fairer Scotland Duty

What impact will the policy, function or strategy have on reducing inequalities of outcome caused by socio-economic disadvantage?

Positive impact +	Neutral impact =	Negative impact -
	X	
<p>This policy will not impact on reducing inequalities of outcome, since it relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services.</p>		

7. Impact – Inverclyde Alliance Partnership Plan 2023/33

Which Themes from the Inverclyde Alliance Partnership Plan 2023/33 will the policy, function or strategy impact on?

<input type="checkbox"/>	<p>Theme 1: Empowered people</p> <ul style="list-style-type: none"> • Communities can have their voices heard, and influence the places and services that affect them • Gaps in outcomes linked to poverty are reduced
<input type="checkbox"/>	<p>Theme 2: Working people</p> <ul style="list-style-type: none"> • More people will be in sustained employment, with fair pay and conditions • Poverty related gaps are addressed, so young people can have the skills for learning, life and work • Businesses are supported and encouraged to reduce their carbon footprint and develop green jobs
<input type="checkbox"/>	<p>Theme 3: Healthy people and places</p> <ul style="list-style-type: none"> • People live longer and healthier lives

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	<ul style="list-style-type: none"> • Supportive systems are in place to prevent alcohol and drug misuse • Our natural capital is looked after, and we are effectively adapting and mitigating the effects of climate change
X	<p>Theme 4: A supportive place</p> <ul style="list-style-type: none"> • Vulnerable adults and children are protected and supported, ensuring they can live safely and independently • We recognise where people are affected by trauma, and respond in ways that prevent further harm and support recovery • Public protection and community safety are improved through targeting our resources to reduce the risk of offending and harm
□	<p>Theme 5: A thriving place</p> <ul style="list-style-type: none"> • Growth in our working age population by encouraging people to stay here, and attracting new people to settle here • Development of strong community-based services that respond to local need • Homes are energy efficient and fuel poverty is reduced • Increased use of active travel and sustainable transport options • Easy access to attractive and safe public spaces, and high-quality arts and cultural opportunities
<p>Theme 4: This policy is not directly relevant to the Partnership Plan, since it relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services. However, it could be of benefit where it enables Council staff to use such powers to better help deliver those Themes, for instance in tackling underage sales by way of test purchasing. It is noted that for the use of such powers to be authorised, they must be use with the aim of preventing or detecting crime or the prevention of disorder; in the interests of public safety; and for the purpose of protecting public health, and so the Policy will indirectly support other Themes too.</p>	

8. Impact – Council Plan 2023/28

Which Themes from the Council Plan 2023/28 will the policy, function or strategy impact on?

□	<p>Theme 1: People</p> <ul style="list-style-type: none"> • Our young people have the best start in life through high quality support and education
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	<ul style="list-style-type: none">• Gaps in outcomes linked to poverty are reduced• People are supported to improve their health and wellbeing• More people will be in employment, with fair pay and conditions• Our most vulnerable families and residents are safeguarded and supported
X	Theme 2: Place <ul style="list-style-type: none">• Communities are thriving, growing and sustainable• Our strategic housing function is robust• Our economy and skills base are developed• We have a sufficient supply of business premises• Our natural environment is protected
□	Theme 3: Performance <ul style="list-style-type: none">• High quality and innovative services are provided, giving value for money• Our employees are supported and developed

Theme 2: This policy is not directly relevant to the Council Plan, since it relates to potential use of directed surveillance powers by Council officers and not direct delivery of Council services. However, it could be of benefit where it enables Council staff to use such powers to better help deliver those Themes, for instance in tackling underage sales by way of test purchasing. It is noted that for the use of such powers to be authorised, they must be use with the aim of preventing or detecting crime or the prevention of disorder; in the interests of public safety; and for the purpose of protecting public health, and so the Policy will indirectly support other Themes too.

9. Evidence

What evidence do you have to help identify any potential impacts of the policy, function or strategy?

Note: Evidence could include information from consultations, surveys, the Citizens’ Panel, focus groups, interviews, projects, user feedback, complaints, Officers’ knowledge and experience, equalities monitoring data, publications, research, reports, and local and national groups.

Evidence	Details
Consultation/engagement (including any carried out while developing the policy, function or strategy)	The existing policy has been the subject of external review by Investigatory Powers Commissioner’s Office (IPCO), with no material issues having been highlighted.
Research	Review of policies in other local authorities, and use of the 2000 Act by the Council in recent years.
Officers’ knowledge and experience (including feedback from frontline staff)	Staff in Legal Services and through the cross-service Information Governance Steering Group
Equalities monitoring data	N/a
User feedback (including complaints)	N/a
Stakeholders Other	Recent inspection of the Council by the IPCO

Classification : Official

Are there information gaps and, if so, what are these?	N/a

10. Consequences of Analysis

What steps will you take in response to the findings of your analysis? Please select at least one of the following and provide a brief explanation.

a.	Continue development with no changes	X	Is review of an existing policy, which has been the subject of external review by IPCO, with no material issues having been highlighted. Has also been subject to consultation with Information Governance Steering Group.
b.	Continue development with minor alterations	<input type="checkbox"/>	-
c.	Continue development with major changes	<input type="checkbox"/>	-
d.	Discontinue development and consider alternatives (where relevant)	<input type="checkbox"/>	-

How will the effect of the policy, function or strategy be monitored following implementation?

There will be an annual review of the Policy going forward, as requested by IPCO.

Details of the Person(s) who completed the Assessment:	
Name:	Emma Peacock
Position:	Solicitor
Date:	26 October 2023
Authorised by:	
Name:	Iain Strachan
Position:	Head of Legal, Democratic, Digital & Customer Services
Date:	26 October 2023

Please send a copy of the completed Template to Karen Barclay, Corporate Policy and Performance Officer at karen.barclay@inverclyde.gov.uk.