

**POLICY DEVELOPMENT AND IMPACT ASSESSMENT FRAMEWORK**

**GUIDANCE FOR POLICY DEVELOPERS**

**July 2019**

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# What is the Policy Development Framework?

This guidance aims to create a clear, consistent approach to the development, implementation and management of policy within Councils and to ensure that policy developers are clear as to what must be taken into consideration when developing or reviewing a policy. It also highlights duties that must be fulfilled when making strategic decisions. ‘Policy’ represents and applies to policies, strategies, provisions, criteria, functions, practices, budget setting and assessing potential savings and activities, including the delivery of services.

This guidance outlines a framework of the main legislative and corporate requirements that policy developers should adhere to when making strategic decisions, developing a new policy, or significantly changing any existing policy or function. This flowchart is to assist officers in ensuring all requirements have been taken at the policy development stage.



A policy context checklist is attached at Appendix One which highlights what should be included in a policy, what links should be made, and what statutory duties and other wider considerations such as health impact are relevant.

Integrated Impact Assessment flows from the Policy Development Framework, and assists with evidencing the consideration given, or due regard paid, to the various statutory duties and requirements placed on public bodies.

A suggested Integrated Impact Assessment process is outlined in chapter 5 and a toolkit and guidance are available from [here](https://www.khub.net/group/fairer-scotland-duty/group-library/-/document_library/Sz8Ah1O1ukgg/view/168390783?_com_liferay_document_library_web_portlet_DLPortlet_INSTANCE_Sz8Ah1O1ukgg_redirect=https%3A%2F%2Fwww.khub.net%3A443%2Fgroup%2Ffairer-scotland-duty%2Fgroup-library%3Fp_p_id%3Dcom_liferay_document_library_web_portlet_DLPortlet_INSTANCE_Sz8Ah1O1ukgg%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview).[[1]](#footnote-1) This is intended to help officers assess their policies or strategic decisions in an integrated way, as evidence from one duty may be useful in the assessment of impact on another duty. At the centre of it all is a need to reduce inequality of outcome for people living across Scotland and integrated impact assessment should help you to develop policies that either do not negatively impact on equality of outcome, or that seek to reduce inequality of outcome.

# Strategic Planning

When developing any policy or plan it is useful to use the following framework to guide your thinking.

**Where are we now?**

**Where do we want to be?**

.

**How will we know we are getting there?**

**How will we get there?**

This approach can assist with developing policies and plans which focus on continuous improvement and ensuring that any Council delivers best value services.

**Helpful points to note when developing a policy, plan or strategy:**

* the ‘policy’ title should be clear and as descriptive as possible and in Plain English
* the document should be free from jargon, acronyms and abbreviations
* apply a simple and straightforward approach to completion of the document and do not assume that the person or persons’ reading the document are aware of what the ‘policy’ is and what it is about

# Consultation and Engagement

Community engagement is central to the running of local government and Community Planning. The key purpose of community engagement is:

 *“Developing and sustaining a working relationship between one or more public body and one or more community group, to help them both to understand and act on the needs or issues that the community experiences.”* (National Standards for Community Engagement).

For more information go to [National Standards for Community Engagement](https://static1.squarespace.com/static/5943c23a440243c1fa28585f/t/5c000b516d2a737f69d510e7/1543506813945/NSfCE%2Bonline_October.pdf).



When developing policies you should ensure appropriate engagement takes place early enough to allow that engagement to inform the policy and develop approaches which meet the needs of the communities who will be affected by the policy.

To assist services and partners to ensure they meet the National Standards for Community Engagement, you can use the VOiCE toolkit. VOiCE is planning and recording software that assists individuals, organisations and partnerships to design and deliver effective community engagement.

VOiCE is published by the Scottish Government as part of its support for implementation of the National Standards for Community Engagement. It was designed, and is primarily used, to analyse, plan, conduct and evaluate engagement. <http://www.voicescotland.org.uk/>

Policy developers should make reference to any VOiCE plans they have created, whilst engaging with communities and other stakeholders, in the development of their policy.

Community engagement forms an integral part of the evidence gathering for impact but can also be used to empower communities to be part of the solution to any local issues.

**Devolving**

where decision-making is placed in the hands of the community

**Collaborating**

a partnership approach to decision-making, with the community

**Involving**

working with the community to make sure their concerns are understood and taken into consideration

**Consulting**

asking the community for views before a decision is made

**Informing**

letting a community know about plans for the future

Further information on Citizen Participation can be found here <http://www.citizenshandbook.org/arnsteinsladder.html>.

# Corporate and Legislative Framework

Councils are required to take steps to ensure compliance with a number of pieces of legislation when making strategic decisions, developing any new policies or when significantly changing any existing council policy or function.

All policies should set out the reason or basis on which they have been drafted for example:

* Is the Council policy required as a result of a Government Act?
* Is the Council policy required as a result of a national or local strategy / initiative?
* Does the policy relate to the promotion of a duty e.g. equality, social, economic or environmental well-being?

Officers should set out the reason for which the policy is required, e.g. local need,

an express legal duty, local initiative or government strategy. There are also a number of corporate considerations to take into account in order to ensure that a Council continues to fulfil its statutory requirements under Best Value.

## Best Value

Best Value is a statutory duty which is about ensuring that there is good governance and effective management of resources, with a focus on improvement, to deliver the best possible outcomes for the public.

The duty of Best Value applies to all public bodies in Scotland. There are four key components of best value focussing on how public-sector organisations manage their finances, how they plan ahead financially, how they secure value for money and how they govern themselves and report to their communities.

The Best Value Characteristics are:

|  |  |
| --- | --- |
| Commitment and leadership | Equal opportunities arrangements |
| Responsiveness and consultation | A contribution to sustainable development |
| Sound governance at a strategic, financial and operational level | Competitiveness, trading & the discharge of authority functions |
| Sound management of resources | Joint Working |
| Use of review and options appraisal | Accountability |

There are a series of toolkits published by Audit Scotland which are useful to assist evaluation against best value characteristics, providing a useful set of questions against which an organisation can assess its Best Value arrangements. <http://www.audit-scotland.gov.uk/our-work/best-value/best-value-toolkits>.

## Local Outcomes Improvement Plans and Corporate Plans

Each Community Planning Partnership has a Local Outcomes Improvement Plan (LOIP), which should link all policies and the Community Empowerment Act. The Community Empowerment (Scotland) Act 2015 became an Act on 24 July 2015. The text of the Act can be found on the Legislation.gov.uk website at <http://www.legislation.gov.uk/asp/2015/6/contents/enacted>.

Local Outcomes Improvement Plans (LOIPs) provide the vision and strategic direction for a Council’s Corporate Plan or strategy where these exist. As with the LOIP, any new policy should be prepared with due regard to the Corporate Plan/Strategy. You may want to reference how the policy or strategic decision will assist in the delivery of the Corporate Plan/Strategy and LOIP. <https://www.gov.scot/policies/improving-public-services/community-planning/>, <http://www.improvementservice.org.uk/documents/community_planning/loip-stocktake-emerging-findings-may2018.pdf>)

One of the aims of the act is to strengthen the voices of communities in the decisions that matter to them, creating new rights for community bodies and placing new duties on public authorities.

In summary, the main provisions of the Community Empowerment (Scotland) Act are:

* National Outcomes
* Community Planning
	+ Socio-economic inequalities
	+ Localities: comparison of outcomes
	+ Locality plan
	+ Locality plan review
	+ Locality plan progress report
* Participation Requests
* Taking over assets
	+ Extension of community right to buy
	+ Abandoned, neglected or detrimental land
	+ Asset transfer requests
	+ Common good property
* Participation in Public Decision-Making
* Allotments
* Delegation of Forestry Commissioners’ functions
* Supporter Involvement in Football clubs
* Non-Domestic Rates

Guidance by the Scottish Government on specific areas of the Act, namely Community Planning, participation requests, asset transfer and the community right to buy abandoned, neglected or detrimental land, can be found here: <https://www.gov.scot/policies/community-empowerment/>.

## Risk Management

In order to effectively manage risks, all policies should be subject to a risk assessment.

The risk management process involves:

* methodically identifying the risks surrounding your organisational activities
* assessing the likelihood of an event occurring
* understanding how to respond to these events
* putting systems in place to deal with the consequences
* monitoring the effectiveness of your risk management approaches and controls

As a result, the process of risk management:

* improves decision-making, planning and prioritisation
* helps you allocate resources more efficiently
* allows you to anticipate what may go wrong, minimising the amount of fire-fighting you have to do or, in a worst-case scenario, preventing a disaster or serious financial loss
* significantly improves the probability that you will deliver and implement your policy effectively

A sample risk assessment template is attached at Appendix 3 and should be attached to a policy prior to its submission to the relevant Committee for approval. If you have a corporate Risk Management Strategy this should be used as the guidance document for this purpose. You can also ask for assistance from your Chief Internal Auditor.

## Human Rights

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000.

Human rights focus on human dignity, rather than economic growth, for example, taking a human rights based approach to tackling poverty/socio-economic inequality seeks to provide the foundations for creating a more equal society in which everyone lives with dignity, rather than being purely about wealth.

Further detail on Human Rights is contained in the Integrated Impact Assessment toolkit. As with all impact identification; it is important to note, that the process of consideration is not limited to identifying those impacts you wish to improve or mitigate, but also where applicable, those **positive impacts** that may enhance the human rights of an individual. Further information relating to Human Rights can be found here

<http://www.scottishhumanrights.com/rights-in-practice/>.

## Equalities

The Equality Act came into force on 1 October 2010. The Equality Act brought together over 116 separate pieces of legislation into one single Act. Combined, they make up an Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The Public Sector Equality Duty[[2]](#footnote-2) (PSED) was introduced in this legislation and requires listed public bodies (including Local Authorities) to have due regard to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including no religion or belief), sex and sexual orientation.

All Councils have a duty to promote Equality as a lead agency or a partner of joint initiatives and to ensure that services are equally accessible to all individuals, regardless of protected characteristic.

All new Council policy and policies under review should be subject to an Equality Impact Assessment prior to implementation. **If a policy affects people you have a responsibility to undertake an Equality Impact Assessment.**

To assist Councils in ensuring that they are meeting their statutory duties, a generic Integrated Impact Assessment Toolkit and Template can be found at <https://tinyurl.com/y48nd7xz> includes Equality Impact Assessment. (See chapter 5 for more information).

For more information on Council’s Equality Duties visit <https://www.equalityhumanrights.com/en/public-sector-equality-duty-scotland>.

## Islands (Scotland) Act 2018

The Islands (Scotland) Act 2018 places a duty on the Scottish Ministers and other relevant authorities, including a number of public authorities, to have regard to island communities in exercising their functions, and for the Scottish Ministers this will also include the development of legislation. This duty is often referred to as 'island-proofing'.

The Act requires that a relevant authority (i.e. one with inhabited islands) must prepare an island communities impact assessment (ICIA) in relation to a policy, strategy, or service, which, in the authority’s opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in the area in which the authority exercises its functions. The aim of ICIA is to ensure that the specific perspectives and concerns of those who live in island communities have been taken into account.

More information on the Act can be found here <http://www.legislation.gov.uk/asp/2018/12/enacted>

In April 2019 the Scottish Government began consultation on the National Islands Plan and Island Communities Impact Assessment Guidance, which can be found here <https://www.gov.scot/publications/national-islands-plan-islands-communities-impact-assessment-guidance-consultation/>

Guidance on island impact assessment will be laid before Parliament in the autumn of 2019, alongside the National Islands Plan.

## Procurement Reform

The Procurement Reform (Scotland) Act 2014 is an Act of the Scottish Parliament to make provision about the procedures relating to the award of certain public contracts; to require certain authorities to produce procurement strategies and annual reports; and for connected purposes.

The Act provides a national legislative framework for sustainable public procurement that supports Scotland’s economic growth through improved procurement practice. The Act focusses on a small number of general duties on contracting authorities regarding their procurement activities and some specific measures aimed at promoting good, transparent and consistent practice in procurement processes. Click [here](https://www2.gov.scot/Topics/Government/Procurement/policy/ProcurementReform/ProcReformAct)[[3]](#footnote-3) for more details on the Procurement Reform (Scotland) Act 2014.

A number of sustainable procurement tools have been developed to ensure a structured approach to implementation including a prioritisation tool, a sustainability test, life cycle impact mapping and a flexible framework assessment tool[[4]](#footnote-4). Statutory guidance on the Procurement Reform (Scotland) Act 2014 is available[[5]](#footnote-5).

There are links between the duties within the Procurement Reform (Scotland) Act 2014 and the Fairer Scotland Duty, the Sustainable Development Goals, Strategic Environment Assessment and the national outcomes.

## Fairer Scotland Duty (Socio-economic Duty)

In 2018, Part One of the Equality Act 2010 was enacted in Scotland. It places a legal responsibility on particular public bodies (including Local Authorities) in Scotland to actively consider (‘pay due regard’ to) how they can reduce inequalities of outcome caused by socioeconomic disadvantage, when making strategic decisions.

The duty is set out under Part One of the Equality Act 2010, as the ‘public sector duty regarding socio-economic inequalities’. It has been commonly referred to as the socio-economic duty. **The**[**Fairer Scotland Duty came into force on 1 April 2018**](http://www.legislation.gov.uk/ssi/2017/403/introduction/made)and does not cover decisions made before this date. It does not override other considerations – such as equality or best value.

[Interim Guidance for Public Bodies](http://www.gov.scot/Publications/2018/03/6918)[[6]](#footnote-6) on the Fairer Scotland Duty has been published. The guidance sets out an approach for public bodies to meet the duty. It says there is an **expectation** that public bodies will:

* actively consider what more they can do to reduce the inequalities of outcome in any major strategic decision they make, and
* publish a written assessment, showing how they have done this.

Examples of the strategic decisions which should be subject to consideration in regard to the Fairer Scotland Duty include:

* + Preparation of the Local Development Plan
	+ City deals or other major investment plans
	+ Preparing legislation
	+ Development of new strategic frameworks
	+ Development of significant new policies or proposals
	+ Preparation of an annual budget
	+ Major procurement exercises
	+ Decisions about the shape, size and location of the estate
	+ Preparing a Local Outcomes Improvement Plan as part of a Community Planning Partnership
	+ Preparing locality plans
	+ Preparation of a Corporate Plan
	+ Commissioning of service.

Although the Fairer Scotland Duty is derived from the Equality Act 2010, it is separate from the public sector equality duty (PSED), but there are clear links between the aims of both duties as those who share particular protected characteristics are often at higher risk of socio-economic disadvantage. It also links clearly to the Scottish Government’s focus in child poverty strategies on outcomes related to Pockets, Prospects and Place.

Consideration of the Fairer Scotland Duty is included in the Integrated Impact Assessment. (For more information see chapter 5.).

## Sustainable Development Goals

[The 2030 Agenda for Sustainable Development,](https://sustainabledevelopment.un.org/post2015/transformingourworld) adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. At its heart are the 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries - developed and developing - in a global partnership. They recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests.

The Sustainable Development Goals are:

|  |  |
| --- | --- |
| * 1. No Poverty
	2. Zero Hunger
	3. Good Health and Wellbeing
	4. Quality Education
	5. Gender Equality
	6. Clean Water and Sanitation
	7. Affordable and Clean Energy
	8. Decent Work and Economic Growth
	9. Industry, Innovation and Infrastructure
 | * 1. Reduced Inequalities
	2. Sustainable Cities and Communities
	3. Responsible Consumption and Production
	4. Climate Action
	5. Life Below Water
	6. Life on Land
	7. Peace, Justice and Strong Institutions
	8. Partnerships for the Goals
 |

You may wish to refer to which Sustainable Development Goals your policy supports.

## Strategic Environmental Assessment

Strategic Environment Assessment (SEA) is a means to judge the likely impact of a public plan on the environment and to seek ways to minimise that effect, if it is likely to be significant. SEA therefore aims to offer greater protection to the environment by ensuring public bodies and those organisations preparing plans of a ‘public character’ consider and address the likely significant environmental effects. Under the Environmental Assessment (Scotland) Act 2005[[7]](#footnote-7), those bodies preparing qualifying Scottish plans are required to undertake a SEA of plans that are likely to have significant environmental effects, if implemented. Full information is available on the Scottish Government Website here: <https://www.gov.scot/policies/environmental-assessment/strategic-environmental-assessment-sea/>

SEA helps to better protect the environment, aims to ensure that any development is sustainable, and increases opportunities for public participation in decision-making. It ensures that expert views are sought at various points in the preparation process from the public and the consultation authorities, who are:

* Scottish Natural Heritage (SNH)
* Scottish Environmental Protection Agency (SEPA)
* Historic Environment Scotland (HES).

The role of the statutory Consultation Authorities within SEA is to bring their individual

environmental expertise to the assessment process. This can help to ensure that the future

consultation process undertaken by a Responsible Authority is more robust. This in turn means that the public can gain a better understanding of the likely effect of a plan on the environment and meaningfully contribute to the plan’s preparation process by offering an informed view.

The outputs of an effective SEA can help to address environmental problems, or enhance

positive or beneficial effects of plans. It can provide opportunities for the public to understand

the environmental issues and engage positively with the assessment process. It can be a

practical tool, setting out how environmental effects are to be dealt with, when the plan is being implemented.

The 2005 Act requires Scottish public bodies or those exercising functions of a public character (Responsible Authorities) to undertake a SEA when preparing plans, if it is likely to have significant environmental effects.

Some plans are automatically exempt from the 2005 Act:

* national defence or civil emergency plans;
* financial or budgetary plans; and
* plans relating to individual schools.

Whereas plans that fit the following criteria, are likely to be subject to SEA:

* are prepared and/or adopted at the national, regional or local level;
* relate to matters of public character (this can be a public sector body or a private sector or voluntary body undertaking work of a public character).
* relate solely to Scotland.

There are two parts to the 2005 act which will help you to determine whether your policy is relevant. <http://www.legislation.gov.uk/asp/2005/15/section/5>.

If the policy is relevant you will then need to judge what options are open to you and whether pre-screening is a minimum option or whether screening is required. Certain plans outlined in the legislation cannot be pre-screened and have to enter screening as a minimum.

A flow chart from the SEA guidance is attached at Appendix 4, which should help you to decide whether or not your policy is relevant. It is important to consult the SEA guidance to make sure you make the right decision.

If an SEA is not undertaken for the relevant policy and is not implemented as part of the planning process, it will open the content to legal challenge and can be prevented from being adopted.

## Health Inequalities

Improving the health of Scotland’s residents and combating health inequality are key outcomes. Health and well-being is determined by a wide range of economic, social and environmental influences and as such, tackling health inequality requires a wider approach than the health sector alone can provide.

Health also includes mental health and wellbeing, which is fundamental to how individuals and communities cope with everything they experience in their lives, particularly where these are negative or difficult.

Health Inequalities Impact Assessment (HIIA) is a tool to assess the impact on people of applying a proposed, new or revised policy or practice. HIIA goes beyond the public sector's legal duty of the Equality Act 2010 to assess impact (EIA) by assessing the impact on:

* health inequalities
* people with protected characteristics
* human rights
* socioeconomic circumstances.

HIIA is a participatory approach that helps people from multiple sectors to work together.

HIIA participants consider the impact of the proposed action on their individual sector and other sectors – and the potential impact on health and wellbeing from any change.

HIIA helps decision-makers make choices about alternatives and improvements in a proactive setting to prevent disease/injury, to actively promote health and reduce health inequalities.

The process links closely with the Fairer Scotland Duty and Public Sector Equality Duty and by carrying out an Integrated Impact Assessment, you will most likely fulfil more than one duty for assessing policies/strategies and strategic decision making.

Useful Health Inequalities Impact Assessment information and resources can be found at these links.

<https://www.scotphn.net/networks/scottish-health-and-inequalities-impact-assessment-network-shiian/reports/>

<http://www.healthscotland.scot/tools-and-resources/health-inequalities-impact-assessment/what-is-an-hiia>

[http://www.healthscotland.scot/publications/planning-resources-hiia-scoping-workshop.](http://www.healthscotland.scot/publications/planning-resources-hiia-scoping-workshop)

## GDPR

A Data Protection Impact Assessment (DPIA) is a process to help you identify and minimise the data protection risks of a project. You must do a DPIA for processing that is likely to result in a high risk to individuals. This includes some specified types of processing.

It is also good practice to do a DPIA for any other major project which requires the processing of personal data.

Your DPIA must:

* describe the nature, scope, context and purposes of the processing;
* assess necessity, proportionality and compliance measures;
* identify and assess risks to individuals; and
* identify any additional measures to mitigate those risks.

For more information and screening checklists go to:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/>

## National Performance Framework

The Scottish Government published a new National Performance Framework in 2018 <https://nationalperformance.gov.scot/>, which CoSLA signed up to in June of the same year[[8]](#footnote-8). The aims of the framework are to:

* reduce inequalities
* create a more successful country
* give opportunities to all people living in Scotland
* increase the wellbeing of people living in Scotland
* create sustainable and inclusive growth

To help achieve its purpose, the framework sets out ‘national outcomes’. These outcomes describe the kind of Scotland the Scottish Government aims to create.

The outcomes:

* reflect the values and aspirations of the people of Scotland
* are aligned with the United Nations Sustainable Development Goals
* help to track progress in reducing inequality

These national outcomes are that people:

* grow up loved, safe and respected so that they realise their full potential
* live in communities that are inclusive, empowered, resilient and safe
* are creative and their vibrant and diverse cultures are expressed and enjoyed widely
* have a globally competitive, entrepreneurial, inclusive and sustainable economy
* are well educated, skilled and able to contribute to society
* value, enjoy, protect and enhance their environment
* have thriving and innovative businesses, with quality jobs and fair work for everyone
* are healthy and active
* respect, protect and fulfil human rights and live free from discrimination
* are open, connected and make a positive contribution internationally
* tackle poverty by sharing opportunities, wealth and power more equally

You may wish to map how your strategic decision or policy contributes to the delivery of the national outcomes. One of the recommendations made by Audit Scotland in their ‘Local Government in Scotland: Challenges and Performance 2019[[9]](#footnote-9)’ report for Councils to make effective progress, was that they should:

‘be able to demonstrate how spending decisions and priorities have impacted on service delivery and the outcomes of residents, as well as how they are delivering against the national performance framework.’

# Integrated Impact Assessment

As outlined above, there are a number of areas of consideration when developing any new policies and strategies or making strategic decisions. Integrated Impact Assessment (IIA) can help with this process bringing everything together and helping to consider what is needed to fulfil each duty. The IIA may be enough for evidencing that you have paid due regard to the duties, but you may require to do more in depth assessments, depending on the type of policy/strategy you are developing or revising. This is particularly the case for Strategic Environmental Assessment.

## Assessment Process

There are two aspects to the assessment process, stage one screening for relevance and stage two completing a full assessment.

The types of activity that should not need to be impact assessed are:

* results from research
* reports of surveys
* meeting minutes
* progress updates

The types of activity that are likely to require a full assessment are:

* strategic decisions, significant policies, strategies, projects, service reforms/changes, budget savings and activities
* changes that affect people i.e. employees, clients, customers, service users, members of the public
* area/partnership wide plans

You may wish to carry out an **initial screening** to identify which duty your strategic decision or policy/strategy is relevant to, so that you are clear on what assessment you need to carry out. The Flowchart at Appendix One and the Policy Development Checklist at Appendix Two should help with this.

The Integrated Impact Assessment Toolkit (IIA) <https://tinyurl.com/y48nd7xz> contains a template to assist officers in conducting their assessments. The toolkit and the template should be referred to in any accompanying reports to Committee/Board on the policy or decision-making process being submitted for consideration. The IIA should be published alongside the final policy document online.

# 6 Appendices

## Policy Development Flow Chart and Context Checklist

A policy development flowchart and checklist have been developed to assist in highlighting the main assessment requirements to be undertaken in the development of any policy. These can be found at Appendices 1 and 2.

Not all policies will require full assessments to be undertaken, however services are required to demonstrate that they have considered the impact in key areas, for example, a policy or function around an area such as traffic light maintenance would not require an Equalities Impact Assessment as it does not directly relate to people.

Completion of the policy development checklist at Appendix 2 will demonstrate that thought has been given to the possibility of the assessment and that it has not just been an oversight.

**It is therefore crucial that the checklist is completed and attached to the policy when being submitted to the relevant strategic committee for approval along with any Impact Assessment report.**

Appendix 1 – sets out a flowchart, highlighting the main policy assessment stages

Appendix 2 – Policy Context Checklist

Appendix 3 - provides a Risk Management template

Appendix 4 – provides a flow chart regarding Strategic Environmental Assessment.

The flowchart below is to assist officers in ensuring all requirements have been taken at the policy development stage.

1. Consider Policy Profile Checklist

 to identify required assessments

**Engagement with Customers/ Communities**

7. Submit to relevant strategic Committee with completed policy profile checklist and impact assessment reports

6. Amend policy / continue development

5. Complete full impact assessments if required

4. Complete Risk Assessment

(Appendix 3)

2. Start drafting policy

3. Complete Policy Profile Checklist

Commence SEA process if required

8. Monitor and Review

**Introduction**

**What will this do for me?**

The purpose of this Policy Context Checklist is to help services ensure that they take the wider corporate environment into consideration when developing policies or strategies. It is intended to help you to quickly consider the wider policy context in which you are making strategic decisions or developing any policy, plan, strategy, programme or project.

This checklist could also be used before embarking on a change/transformation project as it will ensure you consider the wider environment that the project sits within.

Public bodies have a number of outcomes which they aim to achieve as set out in e.g. Local Outcomes Improvement Plans and Corporate Plans. Policies need to be set within the context of these outcomes, in order that bodies can show how they are working towards the achievement of those outcomes. It should be tailored to your local circumstances under 10 and 11. This checklist prompts you to consider these and how your strategy or project aligns with these.

**Intended Audience**

* Services within organisations subject to a variety of duties, such as the Public Sector Equality Duty, Fairer Scotland Duty, Strategic Environmental Assessment.
* Non ‘corporate centre’ officers who may not have an overview of the wider legislative and strategic environment.

You should be proportionate in completing this – you do not have to have relevance to every outcome or characteristic.

You can fill in the checklist below, and attach this to your policy, if appropriate, with any relevant impact assessments when it is submitted for approval.

|  |
| --- |
| **Policy Profile** |
| **1** | **Name of the policy, plan, strategy or programme** |  |
| **2** | **Responsible organisations/Lead Service** |  |
| **3** | **Lead Officer** |  |
| **4** | **Partners involved in the development of this policy** |  |
| **5a****5b** | **Is this policy:** **Does this policy involve a strategic decision(s)?** | New [ ]  Reviewed/Revised [ ] Yes [ ] No [ ]  |
| **6** | **What is the purpose of the policy?****(include any new legislation which prompted the policy or changes to the policy)** |  |
| **7** | **What are the intended outcomes of the policy?** |  |
| **8** | **What is the period covered by the policy?** |  |
| **9** | **Target geographical area**  |  |
|  | **Context** |
| **10.** | **Which of the Local Outcomes Improvement Plan outcomes are most relevant to the policy?** (you can tick more than one if appropriate) <https://www.gov.scot/policies/improving-public-services/community-planning/>[ ]  List your outcomes here and tick which ones your policy is aligned to.[ ]  |
| **11.** | **Which of the Corporate Plan/Strategy outcomes are most relevant to the policy?**[ ] List your outcomes here and tick which ones your policy is aligned to.[ ]  |
| **12.** | **Have you carried out a risk assessment of the Policy?** Y/N**If not, why not?**A copy of the risk assessment should be attached to the policy prior to submission for agreement. Should you require assistance please contact your Chief Internal Auditor |
| **13.** | **If the policy involves a strategic decision, will it impact on socio-economic disadvantage?** <https://www.gov.scot/publications/fairer-scotland-duty-interim-guidance-public-bodies/> |
|  | [ ]  People living on a low income compared to most others in Scotland |
|  | [ ]  People living in material deprivation |
|  | [ ]  People living in deprived areas |
|  | [ ]  People living in deprived communities of interestIf the policy involves a strategic decision you should carry out a Fairer Scotland Duty Assessment. |
| **14.** | **Who is targeted or affected by the policy or who is intended to benefit from the proposed policy**? <https://www.equalityhumanrights.com/en/public-sector-equality-duty-scotland> |
|  | [ ]  Children and Young People[ ]  Adults[ ]  Older people[ ]  People with disabilities or limiting long term illness[ ]  People undergoing gender reassignment[ ]  Pregnant women/mothers[ ]  Black or Minority Ethnic People | [ ]  People from religious or faith groups, or people with no religion[ ]  Men[ ]  Women [ ]  Transgender people[ ]  Non-binary people[ ]  Lesbian, Gay, Bisexual people[ ]  All residents |
|  | For any new or significantly changing policy/strategy, an equality impact assessment should be carried out as the minimum. |
| **15.** | Have you paid due regard to the Public Sector Equality Duty, and does your policy have any impact, positive or negative, on the duty to:[ ]  eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;[ ]  advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;[ ]  foster good relations between persons who share a relevant protected characteristic and persons who do not share it.The protected characteristics are listed in 14.If you anticipate any positive or negative impact on any of three elements of the duty you should carry out an equality impact assessment, highlighting any good practice and any mitigation necessary to avoid negative impacts. For any new or significantly changing policy/strategy, an equality impact assessment should be carried out as the minimum. |
| **16.** | **Will the policy have an impact on Human Rights?** <http://www.scottishhumanrights.com/rights-in-practice/>[ ] Right to life[ ]  Freedom from torture and inhuman or degrading treatment[ ]  Freedom from slavery and forced labour[ ]  Right to liberty and security[ ]  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 freedomsAnd economic, social and cultural rights:[ ]  The right an adequate standard of living [ ]  The right to adequate food, housing, sanitation and water [ ]  The right to education [ ]  Rights at workIf yes, you may want to carry out a Human Rights or Integrated Impact Assessment. |
| **17.** | **Will the policy have an impact on the Sustainable Development Goals? You may want to refer to these in your policy. (These tie in with a number of Human Rights).**<https://www.un.org/sustainabledevelopment/sustainable-development-goals/>  |
|  | [ ]  No Poverty[ ]  Zero Hunger[ ]  Good Health and Wellbeing[ ]  Quality Education[ ]  Gender Equality[ ]  Clean Water and Sanitation[ ]  Affordable and Clean Energy[ ]  Decent Work and Economic Growth[ ]  Industry, Innovation and Infrastructure | [ ]  Reduced Inequalities[ ]  Sustainable Cities and Communities[ ]  Responsible Consumption and Production [ ]  Climate Action[ ]  Life Below Water[ ]  Life on Land[ ]  Peace, Justice and Strong Institutions[ ]  Partnerships for the Goals |
| **18.** | **Is the policy a qualifying Policy, Programme or Strategy as defined by The Environmental Impact Assessment (Scotland) Act 2005? i.e. Will the policy require a Strategic Environmental Assessment?**Is the policy likely to result in significant environmental effects (positive or negative)? Y/NIf yes, a full SEA may be required. If no, pre-screening or screening may still be necessary to justify your reasons for the policy, plan or strategy not requiring an SEA. Advice and guidance on the SEA process is provided in the SEA Act, which can be viewed at [www.legislation.gov.uk/asp/2005/15/pdfs/asp\_20050015\_en.pdf](http://www.legislation.gov.uk/asp/2005/15/pdfs/asp_20050015_en.pdf) and in the Scottish Government SEA Toolkit, which supports the SEA process, and can be viewed at [www.scotland.gov.uk/Publications/2006/09/13104943/1](http://www.scotland.gov.uk/Publications/2006/09/13104943/1). |
| **19.** |  **Does your policy contribute to the delivery of the National Performance Framework? You may want to reference these in your policy.** <https://nationalperformance.gov.scot/>[ ]  We grow up loved, safe and respected so that we realise our full potential[ ]  We live in communities that are inclusive, empowered, resilient and safe[ ]  We are creative and our vibrant and diverse cultures are expressed and enjoyed widely[ ]  We have a globally competitive, entrepreneurial, inclusive and sustainable economy[ ]  We are well educated, skilled and able to contribute to society[ ]  We value, enjoy, protect and enhance our environment[ ]  We have thriving and innovative businesses, with quality jobs and fair work for everyone[ ]  We are healthy and active[ ]  We respect, protect and fulfil human rights and live free from discrimination[ ]  We are open, connected and make a positive contribution internationally[ ]  We tackle poverty by sharing opportunities, wealth and power more equally |
| **20.** | **Will the policy have an impact on health and wellbeing?** (if any boxes are ticked you may want to carry out a health impact assessment or include it in an Integrated Impact Assessment) <http://www.healthscotland.scot/tools-and-resources/health-inequalities-impact-assessment-hiia/what-is-an-hiia>Does the proposal impact on one or more determinants of health?:[ ]  Personal/family lifestyles and characteristics (e.g diet, physical activity, education and learning)[ ]  Socio-economic environment (e.g. social status, employment, social support, stress, income, equity)[ ]  Physical environment (e.g. living and working conditions, pollution, climate, public safety)[ ]  Access to and quality of health and other services (e.g. social services, housing, leisure, transport) |
| **21.** | **As part of the policy will you be carrying out types of processing likely to result in high risk to individuals’ rights and freedoms?**e.g. Are you planning to:* [ ]  use systematic and extensive profiling with significant effects;
* [ ]  process special category or criminal offence data on a large scale; or
* [ ]  systematically monitor publicly accessible places on a large scale?

If the answer is yes to any of these you should carry out a Data Protection Impact Assessment. More information can be found here:<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/> |
| **22.** | **Will this policy have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in the area in which the authority exercises its functions? If this is the case you may wish to carry out an Island Communities Impact Assessment.** More information can be found here: <http://www.legislation.gov.uk/asp/2018/12/enacted><https://www.gov.scot/publications/national-islands-plan-islands-communities-impact-assessment-guidance-consultation/> |
| **23.** | **Will the policy result in any procurement activity? If so, have you considered the sustainable procurement duty?**e.g. have you considered how, by the way in which you conduct your procurement process, you might improve the economic, social and environmental well-being of your authority area, how you might facilitate the involvement of small and medium enterprises, third sector bodies and supported businesses, and considered how you can promote innovation?More information can be found here:<http://www.legislation.gov.uk/asp/2014/12/contents><https://www.gov.scot/publications/sustainable-procurement-duty-tools/> |
| **24.** | **What consultation/engagement has taken place on the policy, and with whom? Was a VOiCE plan created for the engagement?**<http://www.voicescotland.org.uk/> |
| **25.** | **Does this policy link with any other policies being delivered?** |
| **26.** | **Name of officers completing checklist** |
| **27.** | **Designation of officers completing checklist** |
| **28.** | **Date completed** |

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| --- | --- |
|  | **Risk Status as at ……….**  |
| **Risk Category: Financial (F), Reputational (R), Legal/Regulatory (LR), Operational/Continuity (O/C)** |
| Business Plan Objective | Risk No | Risk Category | \*Description of RISK Concern | IMPACT Rating (A) | L'HOOD Rating (B) | Quartile | Risk Score (A\*B) | Who is Responsible? (name or title) | Additional Controls/Mitigating Actions & Time Frames with End Dates |
| **1.1**  |   |   |  |   |   |   |   |   |   |
| **1.2**  |   |   |  |   |   |   |   |   |   |
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|  | **Key: see diagram** |  |  |
|  |  |  |
|   | **Requires active management.**  |  |
|  | High impact/high likelihood: risk requires active management to manage down and maintain exposure at an acceptable level. | Very High (16-25) |
|   | **Contingency plans.** |  |
|  | A robust contingency plan may suffice together with early warning mechanisms to detect any deviation from plan. | High(10-15) |
|   | **Good Housekeeping.** |  |
|  | May require some risk mitigation to reduce likelihood if this can be done cost effectively, but good housekeeping to ensure the impact remains low should be adequate. Reassess frequently to ensure conditions remain the same. | Medium(5-9) |
|   | **Review periodically.** |  |
|  | Risks are unlikely to require mitigating actions but status should be reviewed frequently to ensure conditions have not changed. | Low(1-4) |



1. <https://tinyurl.com/y48nd7xz> (Fairer Scotland Duty KHub pages) [↑](#footnote-ref-1)
2. <https://www.equalityhumanrights.com/en/public-sector-equality-duty-scotland> [↑](#footnote-ref-2)
3. <https://www2.gov.scot/Topics/Government/Procurement/policy/ProcurementReform/ProcReformAct> [↑](#footnote-ref-3)
4. <https://www.gov.scot/publications/sustainable-procurement-duty-tools/>. [↑](#footnote-ref-4)
5. <https://www2.gov.scot/Topics/Government/Procurement/policy/ProcurementReform/ProcReformAct/statutoryguidance> [↑](#footnote-ref-5)
6. <https://www.gov.scot/publications/fairer-scotland-duty-interim-guidance-public-bodies/> [↑](#footnote-ref-6)
7. <https://www.legislation.gov.uk/asp/2005/15/contents> [↑](#footnote-ref-7)
8. <http://www.cosla.gov.uk/news/2018/06/cosla-president-supports-launch-national-performance-framework> [↑](#footnote-ref-8)
9. http://www.audit-scotland.gov.uk/report/local-government-in-scotland-challenges-and-performance-2019 [↑](#footnote-ref-9)