EQUALITY IMPACT ASSESSMENT

Full Assessment Form

Title of Policy, Project, Service, Practice or Strategy: Data Protection Policy

Lead Officer: Head of Casework & Information Governance

People involved in completing the EIA: Management Team

Step 1 – Make sure you have clear aims and objectives

What is the aim of the Policy, Project, Service, Practice or Strategy?

The aim of the policy is to ensure that the Commission processes all personal data fairly and lawfully, in accordance with GDPR and the Data Protection Act 2018 (DPA).

Who is the Policy, Project, Service, Practice or Strategy aimed at, who will use it or who will it apply to?

The policy is aimed at all Members and Employees of the Commission who are responsible for ensuring that all personal data obtained, recorded and disclosed is done so in accordance with GDPR. The policy will also apply to all data subjects.

What outcomes does the policy want to achieve? What barriers are there to achieving these?

- Fair and lawful data processing.
- Compliance with GDPR and DPA.
- Consistency of approach by all staff.
- Staff training and awareness.

Step 2 – Collecting relevant evidence

The PSED requires authorities to consider relevant evidence relating to equality groups and evidence received from equality groups themselves.
Evidence includes in-house information such as monitoring data, internal or external research or national data.

Existing evidence

What existing information/data do you have? If you don’t have any data contact the Director of Corporate Services to discuss appropriate sources.

- Results of equal opportunity monitoring returns on application forms logged on the case management system.
- Review of subject access requests.

The policy applies to both case-related and non-case related, although the majority of existing evidence is drawn from interaction with applicants and therefore relates to case-related information.

There is very limited information/evidence in respect of non-case related information, although the majority of this is covered by industry specific standards.

Evidence from people who share a protected characteristic

You may find it useful to involve equality groups and communities when assessing the impact of your policies on these groups. Involving employees, service users, trade unions and others in the assessment allows those affected by the way you carry out your functions to give feedback or share their experience, providing evidence that you might not otherwise be aware of.

Who have you received relevant evidence/information from? If you haven’t got this information, please explain why not

- Information in respect of the procedure has been obtained from both the Board and staff as a result of the initial procedure development and its ongoing scheduled review – May 2018.
- Further information will be obtained from staff and Members at the next scheduled review and as part of staff consultation – May 2019.

Step 3 – What’s the impact?

Assessing impact is an effective way of improving policies and service delivery, making sure you consider the needs of your employees and the communities you serve, identifying potential steps to advance equality and foster good relations, and do not discriminate unlawfully. Using the evidence you have considered, you should be able to identify how the policy impacts on some groups across SCCCRC or external stakeholders?
The PSED covers the following protected characteristics: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. In relation to eliminating unlawful discrimination in employment the PSED also covers marriage and civil partnership.

Are there any ways in which the policy might unlawfully discriminate, harass or victimise on grounds of a protected characteristic in breach of the Equality Act 2010?

From assessment of the existing policy no ways in which it might unlawfully discriminate, on the grounds of protected characteristics, have been identified. Review of the evidence in respect of case related information has however identified areas within the policy, which could be enhanced, particularly in respect of the following characteristics:

- Race
- Age
- Disability

In accordance with the Equality Act 2010, the Commission also recognises that achieving equality for disabled people may mean changing the way in which services are delivered.

There is a duty to make reasonable adjustments whereby the needs of individuals are considered and where appropriate, the service is delivered in a different way in order to provide additional support or remove physical barriers.

This duty is anticipatory and additional ways in which the Commission can consider reasonable adjustments in respect of these procedures in advance will also be incorporated within the case handling procedures. How this is delivered effectively by staff will also be incorporated.

These enhancements are set out below.

How does the policy advance equality of opportunity between people who share a protected characteristic and those who do not?

Are there ways the policy could advance equality of opportunity?

How does the policy foster good relations between people who share a protected characteristic and those who do not?

Are there ways the policy could foster good relations?

As it stands, the Data Protection Policy does not set out to treat anyone differently, whether they share a protected characteristic or not. On that basis, the policy can be said to advance equality of opportunity between people who share a protected characteristic and those who do not.

The policy fosters good relations between people who share a protected characteristic and those who do not on the basis that it does not discriminate on any basis, yet with the improvements set out below, will ensure that where a potential equality issue is disclosed, that the Commission can take positive action in these cases where this is considered necessary and/or appropriate.

As set out above, the duty to make reasonable adjustments in respect of disabled people and the anticipatory nature of this duty can be enhanced through some policy enhancements which are included within Step 4.
Step 4 – Actions identified from steps 2 & 3

What actions, changes or benefits have been identified as a result of your assessment and when will they be implemented?

1. In order to address any issues in respect of ethnicity and in particular language barriers, the Commission should emphasise its Happy to Translate (HTT) status on the policy.

2. As the policy is an external facing one which potentially impacts directly on applicants in respect of case related information, and as research has already identified a high number of potential applicants with learning difficulties and/or literacy issues, the wording of the policy should be reviewed on the basis of easy read/plain English principles.

3. In order to ensure that the Commission makes reasonable adjustments, particularly in respect of visual impairment and other disability, the procedure will make reference to it being made available in alternative formats.

4. To fully address the anticipatory nature of the duty to make reasonable adjustments in respect of disabled people, staff applying the policy will be trained to ensure that they anticipate and consider the needs of individuals in terms of delivering the policy aims in an inclusive way.

If you cannot make these changes, what action are you going to take?

<table>
<thead>
<tr>
<th>Action</th>
<th>Timescale</th>
<th>Responsible Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>HTT Logo</td>
<td>Logo to be included at next policy update.</td>
<td>Director of Corporate Services</td>
</tr>
<tr>
<td>Easy Read</td>
<td>December 2018 – as part of policy review schedule and need to engage with 3rd parties.</td>
<td>Head of Casework &amp; Information Governance</td>
</tr>
<tr>
<td>Alternative Formats</td>
<td>Availability of alternative formats to be incorporated within the policy at next update.</td>
<td>Director of Corporate Services</td>
</tr>
<tr>
<td>Staff Training</td>
<td>Particularly with regard to anticipating additional support/barriers in respect of disability – by December 2018.</td>
<td>Director of Corporate Services</td>
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How are you going to review the Policy, Project, Service, Practice or Strategy? How often and who will be responsible?

The policy is scheduled for review on a standard 1-year rolling review cycle, with the next scheduled review being May 2019. There is however a number of areas of overlap with other EIAs, particularly in respect of staff training and this will be taken forward by the end of 2018.
Step 7 – Approve and publish your results.

The EIA has been reviewed and approved by:

Reviewed/approved by: Director of Corporate Services
Date: Updated May 2018