

1. Topic of assessment

EIA title:	Regulation of Investigatory Powers Act 2000 – updated corporate policy and protocol
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EIA author:	Mr Ian Treacher, Policy and Operations Manager
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2. Approval

	Name	Date approved
Approved by¹		

3. Quality control

Version number		EIA completed	
Date saved		EIA published	

4. EIA team

Name	Job title (if applicable)	Organisation	Role

¹ Refer to earlier guidance for details on getting approval for your EIA.

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5. Explaining the matter being assessed

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<p>What policy, function or service is being introduced or reviewed?</p>	<p>The Cabinet is asked to endorse an updated Corporate Policy and Protocol on the use of the Regulation of Investigatory Powers Act 2000 (RIPA) by council services.</p> <p>The proposed policy provides an updated framework to ensure that authority continues to comply fully with the requirements of RIPA following the coming into force of the Protection of Freedoms Act 2012 and to take account of the changes in the structure of the Trading Standards Service.</p>
<p>What proposals are you assessing?</p>	<p>The proposed policy has also been amended to reflect changes to the structure of the Trading Standards Service specifically staff titles and the designated named officers.</p> <p>The amendments reflect the judicial review conditions introduced by the Protection of Freedoms Act 2012 namely that a Justice of the Peace is satisfied that individual applications are legal, necessary and proportionate.</p> <p>The RIPA Corporate Policy and Protocol last received approval from Cabinet on 3rd November 2009</p> <p>Under the Human Rights Act 1998 (HRA) there is a duty on the Council to act in a way that is compatible with the individual's rights and failure to do so may enable a person to seek damages against the Council or to use our failure as a defence in any proceedings that we may bring against them.</p> <p>To be able to justify any interference with the right to respect for an individual's privacy the Council needs to demonstrate that any action is not only necessary for the prevention or detection of crime, but is also:</p> <ul style="list-style-type: none"> • lawful • necessary for the purposes of the investigation and • proportionate to what we want to achieve
<p>Who is affected by the proposals outlined above?</p>	<p>The policy amendment has no significant implications for</p> <ul style="list-style-type: none"> • Service users, their carers or families. • Council staff. • External organisations we commission to deliver services on behalf of the Council or in partnership with it.

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6. Sources of information

Engagement carried out
<p>A report on the use of the Regulation of Investigatory Powers Act 2000 including the proposed changes went before the Communities Select Committee in July 2013</p> <p>The RIPA Corporate Policy and Protocol last received approval from Cabinet on 3rd November 2009</p> <p>Engagement and scrutiny will be a continuing process.</p> <p>Once introduced all services will be made aware of the policy and protocol amendments.</p> <p>An annual report on the use of RIPA is produced for consideration by the Communities Select Committee and the Head of Legal Services</p> <p>Quarterly updates on the use of RIPA are produced for the Cabinet Member for Community Safety.</p>
Data used
N/A

7. Impact of the new/amended policy, service or function

The proposed amendments to this policy and protocol will not impact on residents or staff with protected characteristics, neither will it positively or negatively influence:

- equal opportunities;
- discrimination; or
- foster good relations between people that share protected characteristics and those that do not.

The amendment is procedural rather than operational in nature

The potential impact on the Public Sector Equality Duty is therefore negligible.

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7a. Impact of the proposals on residents and service users with protected characteristics

Protected characteristic ²	Potential positive impacts	Potential negative impacts	Evidence
Age	No significant implications arising from this report	No significant implications arising from this report	<p>The amendment to the RIPA corporate policy and protocol is procedural in nature and has no significant implications for</p> <ul style="list-style-type: none"> • Service users, their carers or families. • Council staff. • External organisations we commission to deliver services on behalf of the Council or in partnership with it.
Disability	No significant implications arising from this report	No significant implications arising from this report	
Gender reassignment	No significant implications arising from this report	No significant implications arising from this report	
Pregnancy and maternity	No significant implications arising from this report	No significant implications arising from this report	
Race	No significant implications arising from this report	No significant implications arising from this report	
Religion and belief	No significant implications arising from this report	No significant implications arising from this report	
Sex	No significant implications arising from this report	No significant implications arising from this report	
Sexual orientation	No significant implications arising from this report	No significant implications arising from this report	

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² More information on the definitions of these groups can be found [here](#).

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Marriage and civil partnerships	No significant implications arising from this report	No significant implications arising from this report	
Carers³	No significant implications arising from this report	No significant implications arising from this report	

7b. Impact of the proposals on staff with protected characteristics

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
Age	No significant implications arising from this report	No significant implications arising from this report	
Disability	No significant implications arising from this report	No significant implications arising from this report	
Gender reassignment	No significant implications arising from this report	No significant implications arising from this report	
Pregnancy and maternity	No significant implications arising from this report	No significant implications arising from this report	
Race	No significant implications arising from this report	No significant implications arising from this report	
Religion and belief	No significant implications arising from this report	No significant implications arising from this report	
Sex	No significant implications arising from this report	No significant implications arising from this report	

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³ Carers are not a protected characteristic under the Public Sector Equality Duty, however we need to consider the potential impact on this group to ensure that there is no associative discrimination (i.e. discrimination against them because they are associated with people with protected characteristics). The definition of carers developed by Carers UK is that 'carers look after family, partners or friends in need of help because they are ill, frail or have a disability. The care they provide is unpaid. This includes adults looking after other adults, parent carers looking after disabled children and young carers under 18 years of age.'

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Sexual orientation	No significant implications arising from this report	No significant implications arising from this report	
Marriage and civil partnerships	No significant implications arising from this report	No significant implications arising from this report	
Carers	No significant implications arising from this report	No significant implications arising from this report	

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8. Amendments to the proposals

N/A

Change	Reason for change

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9. Action plan

N/A

Potential impact (positive or negative)	Action needed to maximise positive impact or mitigate negative impact	By when	Owner

10. Potential negative impacts that cannot be mitigated

N/A

Potential negative impact	Protected characteristic(s) that could be affected

11. Summary of key impacts and actions

Information and engagement underpinning equalities analysis	<p>A report on the use of the Regulation of Investigatory Powers Act 2000 including the proposed changes went before the Communities Select Committee in July 2013</p> <p>The RIPA Corporate Policy and Protocol last received approval from Cabinet on 3rd November 2009</p>
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	<p>Engagement and scrutiny will be a continuing process.</p> <p>Once introduced all services will be made aware of the policy and protocol amendments.</p> <p>An annual report on the use of RIPA is produced for consideration by the Communities Select Committee and the Head of Legal Services</p> <p>Quarterly updates on the use of RIPA are produced for the Cabinet Member for Community Safety.</p>
Key impacts (positive and/or negative) on people with protected characteristics	No significant implications arising from this report
Changes you have made to the proposal as a result of the EIA	N/A
Key mitigating actions planned to address any outstanding negative impacts	N/A
Potential negative impacts that cannot be mitigated	N/A