

APPENDIX D

Chesterfield Borough Council

Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: **Legal Services**

Section: **Local Government and Regulatory Law**

Lead Officer: **Gerard Rogers (RIPA Senior Responsible Officer)**

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: **Surveillance Policy**

Is the policy, project, service, function or strategy:

Existing

Changed

New/Proposed

Q1 - What is the aim of your policy or new service?

This is an update to an existing policy. To ensure the Council complies with the Regulation of Investigatory Powers Act, which protects rights under the Human rights Act 1998 (eg the right to respect for private and family life, home and correspondence (Article 8)).

Q2 - Who is the policy or service going to benefit?

The public – ensures only properly authorised surveillance takes place

The Council - RIPA controls covert surveillance. The council has only used overt surveillance since 2010 (no covert surveillance), but still needs policy and procedures for authorised surveillance. Authorities can only seek authority for covert surveillance if the offence the surveillance relates to can lead to a custodial sentence.

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact
Age – including older people and younger people.			Yes
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.			Yes
Gender – men, women and transgender.			Yes
Marital status including civil partnership.			Yes
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.			Yes
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.			Yes
Ethnic Groups			Yes
Religions and Beliefs including those with no religion and/or beliefs.			Yes
Other groups e.g. those experiencing deprivation and/or health inequalities.			Yes

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes

No

Q5 - Reasons for this decision:

No negative impacts are anticipated for on any of the protected characteristics. The types of cases where authorised surveillance can take place is restricted by law. No authorised surveillance has taken place since 2010. Before covert surveillance can take place, an Authorising Officer must be satisfied that the action proposed is necessary and proportionate to prevent or detect crime or disorder. The surveillance must also then be authorised by the Magistrates Court. All authorised surveillance must be authorised for specified periods only, regularly reviewed and cancelled when no longer proportionate or necessary.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.