

A Deposit Return Scheme for Scotland

Final Equality Impact Assessment



March 2020



Scottish Government
Riaghaltas na h-Alba
gov.scot

Description of policy

Title of policy/ strategy/ legislation	Design of a deposit return scheme for single-use drinks containers
Minister	Roseanna Cunningham, MSP, Cabinet Secretary for Environment, Climate Change and Land Reform
Lead official	Donald McGillivray, Deputy Director, Environmental Quality and Circular Economy
Directorate	Environment and Forestry Directorate
New policy and/or legislation	<p>The Deposit and Return Scheme for Scotland Regulations 2020.</p> <p>On 10 September 2019, the Scottish Government published its Proposed Regulations and Accompanying Statement.¹</p>

Stage 1: Framing & background

Undertaking an equality impact assessment is an iterative process which has been conducted throughout the planning of Scotland's Deposit Return Scheme (DRS). This final equality impact assessment is the third one to have been published as part of this process and builds on the previously published interim and full assessments.

An **interim** equality impact assessment (EQIA) was published² as part of the Scottish Government's public consultation on the design of a DRS for single-use drinks containers which took place between 27 June and 25 September 2018. The interim EQIA provided preliminary and indicative insight into the risk of unintended equality impacts as a result of introducing DRS.

A **full** EQIA was published³ in July 2019 as part of the launch of the preferred design for DRS. The full EQIA focussed on some of the potential issues identified in the interim EQIA and considered what mitigations could be put in place to reduce these.

This **final** EQIA is published alongside the final DRS Regulations, which will be laid in the Scottish Parliament for 54 days before a plenary vote. This final EQIA does not identify additional equality impacts, but rather serves to provide information on the mitigating actions adopted and planned in order to address the potential equality impacts identified in the interim and full EQIA. **This document should therefore be read in conjunction with the interim and full EQIA, as together all documents constitute the complete EQIA for DRS in Scotland.**

¹ [Deposit Return Scheme Draft Regulations](#)

² [Deposit Return Scheme Interim Equality Impact Assessment](#)

³ [Deposit Return Scheme Full Equality Impact Assessment](#)

Policy aim

Scottish Ministers are introducing a Deposit Return Scheme for single-use drinks containers. This new policy forms part of the Scottish Government's wider ambition to develop a more circular economy which keeps products and materials circulating in a high-value state of use for as long as possible – maximising resources to benefit the economy and the environment.

Deposit Return Scheme for Scotland Regulations

The Scottish Government announced the design of DRS on 8 May 2019 and published draft Regulations on 10 September 2019. The scheme design and Regulations have been informed by extensive public consultation, international best practice and engagement with a broad range of stakeholders.

The scheme design will mean that consumers are charged a 20p deposit when they purchase a drink in a single-use container made from PET plastic, aluminium, steel, or glass; they can redeem the deposit by returning the container to any retailer selling drinks covered by the scheme for consumption off the premises.

Retailers can choose to install reverse vending machines (RVMs) to collect the bottles and cans and return deposits. Alternatively, they will have the option to return deposits over the counter, collecting the containers manually.

A take-back service for retailers selling by way of distance sales will be included in the scheme to support those customers who are dependent on distance sales for any reason, and non-retail spaces such as recycling centres, schools or other community hubs will also be able to apply to Ministers for permission to act as voluntary return points.

Who will DRS affect?

DRS will impact upon everybody in Scotland who buys drinks in the specified containers. The interim and full EQIAs explore the likely impact of DRS on different groups in Scottish society.

It is important to note that the protected characteristics covered through an EQIA are often not independent of each other and some people may have to deal with complex and interconnected issues related to experiencing disadvantage at any one time.

What might prevent the policy aim being achieved?

Achieving the policy aim will be dependent on businesses and consumers adopting new behaviours to deliver DRS effectively. Ensuring high consumer participation will be key to the scheme's success. As a result, the scheme has been designed to ensure that all individuals, regardless of any protected characteristics, have fair access to return their drinks containers. There are a number of existing and planned

mitigations that will be fundamental to ensuring that everyone can equally participate in the scheme. This is fully explained in this final EQIA.

Stage 2: Data and evidence gathering, involvement and consultation

The **interim** EQIA presented some preliminary and indicative impacts that would require further consideration during the consultation period. It was based on a broad range of research, data and evidence-gathering, including: engagement with thirteen sector reference groups; field trips and conversations with overseas nations; and workshops including a climate justice workshop.

The **full** EQIA provided in-depth identification and consideration of potential equality impacts, supported by extensive further engagement with equalities stakeholders, building on issues raised via the interim EQIA and/or public consultation. It included: engagement with individuals, groups, and organisations involved in equality and Fairer Scotland work; interviews with RVM manufacturers; engagement with local authorities; and analysis of the results of a Disability Equality Scotland electronic survey.

For this **final** EQIA, work focussed on raising the profile of the draft Regulations and the opportunity to submit formal responses to the Regulations via a consultation process. The interim and full EQIA documents were shared with relevant stakeholders to encourage an assessment of the work completed to date and the opportunity to comment. Activity undertaken to promote the draft Regulations and the interim and full EQIA included:

1. Contacting the below list of organisations and offering a face-to-face meeting to discuss the draft Regulations and encourage engagement in the consultation process.

Age Scotland	Child Poverty Action Group
Alzheimer Scotland	Inclusion Scotland
Black and Ethnic Minority Infrastructure in Scotland (BEMIS)	Learning Link Scotland
Capability Scotland	Council of Ethnic Minority Voluntary Organisations
Carers Scotland	Poverty Alliance
Scottish Federation of Housing Associations	Scottish Trades Union Congress/Scottish Union Learn Equality Officers
Dyslexia Scotland	Scottish Council for Voluntary Organisations
Disability Equality Scotland	Young Scot

2. Contacting the below list of organisations, to inform them of the draft Regulations and the public response opportunity. These organisations were also encouraged to cascade this information to their members and other relevant groups.

Bridges Programme	Coalition for Racial Equality and Rights
Citizen's Advice Scotland	Minority Ethnic Carers of People Project
Inclusion Scotland	Scottish Refugee Council
Equality Network	Sense Scotland
Glasgow Disability Alliance	Greenspace Scotland

The above activity resulted in one-to-one engagement with Disability Equality Scotland, Dyslexia Scotland, Learning Link Scotland, Age Scotland and Paths For All. Formal consultation responses were received on the draft Regulations from Age Scotland, Disability Scotland and Learning Link Scotland. The remaining organisations did not respond to our offer or stated that they were content with the draft Regulations as they stood.

Stage 3: Assessing the quality of the impacts and identifying opportunities to promote equality

The results of the evidence-gathering undertaken for the purposes of the assessment, including qualitative and quantitative data and the source of that information, can be found in the interim and full EQIAs. To avoid duplication these results are not presented again here.

No new impacts have been identified since the publication of the full EQIA; however, the face-to-face meetings and the consultation responses mentioned above did echo a number of previously raised concerns, alongside some constructive feedback with regards to methods of communication for DRS. The feedback received as a result of these additional meetings is tabled below.

Organisation	Feedback	Next Steps
Age Concern	Supported the inclusion of a takeback service for distance sales.	Included in the Regulations.
	Highlighted the need for print communication, rather than relying wholly on digital. Also making material available in a number of languages and formats, such as BSL, audio, braille, and easy read versions.	Research and engagement is currently ongoing to ensure that suitable communication methods are adopted.
	Encouraged the Regulations to be more explicit with regards to return point accessibility.	The Equality Act 2010 prohibits certain discriminatory conduct. It contains a duty to make 'reasonable adjustments' in the way services are delivered to those with the protected characteristic of disability. Any Scheme Administrator of DRS, as well as return point operators, will therefore be legally obligated to comply with this duty.
Disability Equality Scotland	Highlighted the need for return points to be accessible to those with reduced mobility.	As above.
	Encouraged consultation with disabled people and Access Panels throughout the implementation phase of DRS.	Proposed actions to address these are summarised under the Public Communication heading at Stage 4.
	Highlighted the need for inclusive communication and utilisation of the Inclusive Communication Hub to ensure information is accessible to all.	

Dyslexia Scotland	Supported the existing EQIA and the information it captured.	n/a
Learning Link Scotland	Highlighted the need for inclusive communication, and the utilisation of resources similar to the ' Counting on a Greener Scotland ' pack.	Proposed actions to address these are summarised under the Public Communication heading at Stage 4.
	Encouraged the establishment of a fund to develop teaching and training resources or to run educational programmes to engage those at risk of disadvantage through the scheme.	

Stage 4: Decision-making and monitoring

The interim and full EQIAs explored the potential impacts of DRS on each of the protected characteristics. While noting that in principle the policy could have negative implications for certain protected groups, it was found that these risks could be addressed through careful implementation. A properly designed DRS should therefore have no negative impact on protected groups.

The full EQIA grouped the suggested actions to mitigate these risks under six headings and this section of the final EQIA sets out the action which has been, or will be, undertaken under each heading to ensure that DRS does not adversely impact those with protected characteristics.

DRS is a form of extended producer responsibility, meaning that it is the responsibility of the businesses that produce the drinks to recover and recycle the packaging. As a result of this, it is up to the drinks producers, or a Scheme Administrator acting on their behalf, to lead and deliver the implementation phase of DRS. This section therefore distinguishes between actions where the Scottish Government can address the potential risk through legislation and actions where the Scottish Government and/or Zero Waste Scotland can provide implementation support to the Scheme Administrator.

The Scottish Government is clear that it would expect any Scheme Administrator to comply with best practice and all applicable legislation in ensuring that the scheme is equally accessible to all. The detailed implementation decisions will be for the Scheme Administrator to take.

Actions to be addressed through legislation

Mitigating Action	Status
PUBLIC COMMUNICATION	
The Regulations require that retailers must display the deposit separately to the price of the drink on their in-store price points. This will make it clearer to consumers that they are paying a refundable deposit.	Complete
The Regulations have set the deposit at a standard 20p for all in-scope materials in order to avoid confusion and keep the DRS simple and easily understandable for consumers.	Complete
ACCESSIBILITY OF RETURN POINTS	
The Regulations specify a return-to-retail model, thereby making it as easy to return a drinks container as it is to buy one across the whole of Scotland.	Complete

Except in the case of risks relating to food safety, health and safety, etc., the Regulations allow exemptions only when it will not affect consumers' access to a return point, thereby preventing any concession to accessibility.	Complete
The Regulations require clear signage of an alternative return point where exemptions are granted, thereby making it clear where another nearby return point exists.	Complete
The Regulations allow the operation of both manual and automatic return points and distance-sales takeback, thereby providing three different mechanisms of deposit return for those who may have a preference of return due to a protected characteristic.	Complete
The Regulations allow the option for non-retail premises to act as voluntary return points, such as schools, charities or community owned sites. This regulatory stipulation will allow additional return points to be created where accessibility may otherwise have been limited.	Complete
PARTICIPATION OF THOSE WHO USE ONLINE GROCERY RETAILERS	
The Regulations state that retailers selling by way of distance sales will be obligated to offer a takeback service to consumers.	Complete
ACHIEVING REGULATORY COMPLIANCE	
In 2017, over a quarter of adults (28%) reported a long-term physical or mental health condition. DRS infrastructure will need to cater for this proportion of the population in order to ensure compliance with regulatory targets (90% in steady state). This high rate of capture means that it is in the interests of the producers or Scheme Administrator(s) to make the scheme open and accessible to all members of the public in order to meet the targets set in the Regulations.	Complete
The Equality Act 2010 prohibits certain discriminatory conduct. It contains a duty to make 'reasonable adjustments' in the way services are delivered to those with the protected characteristic of disability. Any Scheme Administrator of DRS, as well as return-point operators, will therefore be legally obligated to comply with this duty.	Standards complete, implementation ongoing
British Standard BS 8300-1:2018 and BS 8300-2:2018: Guide To Designing Accessible and Inclusive Environments is available as a best practice guide for a Scheme Administrator and its members to design accessible and inclusive environments, how to approach inclusive design and how to adopt a strategic approach to access and inclusion in the design process.	Standards complete, implementation ongoing

Actions to be addressed through implementation

Mitigating Action	Status
PUBLIC COMMUNICATION	
<p>Research has been carried out to segment the Scottish population into five key segments, with the purpose of identifying groups of the Scottish population with different characteristics, lifestyles and views regarding DRS. The segmentation was primarily based on survey data collected by Dynata from a sample of just over 2,000 Scottish adults. This data was coded with Experian Mosaic Types. The segments are:</p> <ul style="list-style-type: none"> - Rural Families - Suburban Wealth - Golden Years - Less Advantaged - Progressive Urbanites <p>This will offer insight into suitable communication methodologies for each segment.</p>	Complete
<p>Qualitative, first-hand research (conducted via 1-1 interviews) with people with physical disabilities and their carers are ongoing, to understand views relating to the Deposit Return Scheme, and the most suitable communication channels to reach people with this protected characteristic. These findings will be utilised within Scottish Government DRS communications and will also be shared by Zero Waste Scotland with the future Scheme Administrator(s).</p>	Ongoing
<p>Development of best-practice guidance is ongoing, in tandem with national representative bodies and organisations, to gather recommendations for communicating specifically with people with protected characteristics, e.g. large-print versions for those that need it, read-aloud or Braille options for those with visual impairments, or specification to websites. This is being conducted via a mixture of desk and field research as appropriate. This guidance will be utilised within Scottish Government DRS communications and will also be shared by Zero Waste Scotland with the future Scheme Administrator(s).</p>	Ongoing
<p>Consumer testing on branding options is planned with a broad range of groups, ensuring inclusion and feedback from those with protected characteristics.</p>	Planned
<p>Face-to-face meetings took place with equalities groups to better understand how to reach people with protected characteristics when the scheme is launched, e.g. the utilisation of a national network of Access Panels in Scotland or resources such as the 'Counting on a Greener Scotland' pack.</p>	Complete

OPERATION OF REVERSE VENDING MACHINES (RVMs)	
A recommended RVM specification will be created by Zero Waste Scotland and will be shared with the future Scheme Administrator(s) to list the key functionalities required to provide acceptable accessibility. That document will include details such as: <ul style="list-style-type: none"> - in-store redeemable deposit voucher as a minimum method of return - being equipped with a touchscreen that provides easily to understand consumer guidance during the return process - ensuring that the required accessibility standards are met in respect of these facilities. 	Ongoing
Examples of international best practice will be shared by Zero Waste Scotland with the Scheme Administrator(s), highlighting where physical modifications enable greater access to RVMs for people using a wheelchair or experiencing other disabilities such as visual or hearing impairments.	Planned
The feedback obtained from equality groups with regards to RVM accessibility and usability will be shared by Zero Waste Scotland with the Scheme Administrator(s) and its members to help ensure RVMs are suitable for those with protected characteristics. The opportunity of future engagement with willing equality groups will also be promoted to the Scheme Administrator. This feedback will also be utilised in Scottish Government DRS communication activity.	Planned
PARTICIPATION OF THOSE WHO USE LOCAL AUTHORITY ASSISTED KERBSIDE COLLECTION SUPPORT SERVICES	
Focus groups and testing have commenced to develop a communication toolkit for use by all local authorities, to provide them with the resources to communicate DRS to all customers, including a focus on those with protected characteristics who may currently rely on assisted kerbside collections.	Ongoing
Engagement with all local authority waste departments to raise awareness of DRS and the impact this will have to current services.	Ongoing

How the Equality Impact Assessment has shaped the policy making process

The EQIA process has helped to identify and enforce the importance of accessibility throughout the design of the Deposit Return Scheme. Accessibility has been fully accounted for in the Regulations, primarily in reference to the 'return-to-retail' model and the inclusion of retailers selling by way of distance sales. This is in line with the requests from equality groups and has been central to the Scottish Government's ambition to make the scheme accessible to all.

The EQIA has also encouraged an ongoing consideration of equality throughout wider Deposit Return Scheme process activity, for example in the development of Scottish Government DRS communication materials and methods. Feedback received throughout the EQIA has been and will continue to be utilised to ensure that communication is suitable for all audiences.

Going beyond policy, all information gathered throughout the different stages of the EQIA will be passed to any Scheme Administrator(s) (and members) to ensure that the requests, insights, research and further offers of support will be incorporated into the implementation phase of Scotland's Deposit Return Scheme.

Monitoring and review

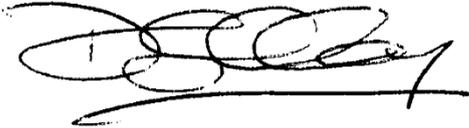
The key drivers for the DRS programme are the intended benefits, which are aligned with the Investment Objectives of the Full Business Case, as per the Strategic Case and the Economic Case. Delivery of these benefits will be monitored by the DRS Programme Board as part of its ongoing monitoring and evaluation work following passage of the final Regulations. The two key benefits identified as relating to equalities impacts are:

- Ensure fairness for all demographic groups, e.g. ensure communication methods are inclusive and accessible to all.
- Maximise accessibility to all demographic groups, e.g. ensure there is no need to access a private vehicle to redeem deposits.

As noted on p8, the Scottish Government has control over benefits where the primary mechanism to assign accountability or responsibility for delivery and measurement of benefits is the DRS Regulations. The Scottish Government will continue to provide support to the Scheme Administrator regarding delivery of 'non-regulatory' benefits.

Stage 5: Authorisation of EQIA

Declaration: I am satisfied with the final equality impact assessment that has been undertaken for Laying of The Deposit and Return Scheme for Scotland Regulations 2020 and give my authorisation for the results of this full assessment to be published on the Scottish Government's website.

A handwritten signature in black ink, appearing to read 'D. McGillivray', with a long horizontal stroke underneath.

Name: Donald McGillivray

Position: Deputy Director, Environmental Quality and Circular Economy



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