



To: Councillor Taylor, Convener; Councillor Len Ironside CBE, Vice Convener; Councillors Blackman, Boulton, Cameron, Carle, Cooney, Crockett, Lesley Dunbar, Greig, Kiddie, Laing, May, Noble, Samarai, Jennifer Stewart, Thomson, Townson and Young; and Ms Angela Bowyer (Parent Representative (Primary Schools & ASN)), Mr S Duncan (Teacher Representative (Primary Schools)), Reverend E McKenna (Church of Scotland Religious Representative), Mr M Paul (Teacher Representative (Secondary Schools)), Mrs A Tree (Third Religious Representative), Ms S Wildi (Parent Representative (Secondary Schools)) and Mrs I Wischik (Roman Catholic Religious Representative)

Town House,  
ABERDEEN 24 November 2014

## **EDUCATION AND CHILDREN'S SERVICES COMMITTEE**

The Members of the **EDUCATION AND CHILDREN'S SERVICES COMMITTEE** are requested to meet in Council Chamber - Town House on **TUESDAY, 2 DECEMBER 2014 at 2.00 pm.**

JANE G. MACEACHRAN  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

#### **1 REQUESTS FOR DEPUTATION**

1.1 None received at this time

#### **2 DETERMINATION OF EXEMPT ITEMS OF BUSINESS**

#### **3 MINUTES, COMMITTEE BUSINESS STATEMENT AND MOTIONS LIST**

3.1 Minute of the Meeting of the Social Care, Wellbeing and Safety Committee of 28 August 2014 (Pages 1 - 4)

3.2 Minute of the Meeting of the Education, Culture and Sport Committee of 11 September 2014 (Pages 5 - 12)

3.3 Committee Business Statement (Pages 13 - 16)

## 4 **EDUCATION, CULTURE AND SPORT**

- 4.1 2014/15 Revenue Budget Monitoring (Pages 17 - 26)
- 4.2 Education, Culture and Sport Performance Report (Pages 27 - 54)
- 4.3 Education, Culture and Sport Service - 2013/2014 Statutory Performance Indicator Report (Pages 55 - 88)
- 4.4 School Holiday Pattern 2015/2016 to 2019/2020 (Pages 89 - 114)
- 4.5 Stoneywood School – Offer of Financial Support for a New Build School (Pages 115 - 126)
- 4.6 Inclusion Review and Project Governance (Pages 127 - 166)
- 4.7 Future of Citymoves (Pages 167 - 184)
- 4.8 Sports Grants (Pages 185 - 216)

### **AT THIS JUNCTURE EXTERNAL MEMBERS OF THE COMMITTEE WILL DEPART**

## 5 **SOCIAL CARE AND WELLBEING**

- 5.1 2014/15 Revenue Budget Monitoring (Pages 217 - 232)
- 5.2 Social Care and Well Being Health and Safety Annual Performance Report (Pages 233 - 258)
- 5.3 Social Care, Wellbeing and Safety Performance Report (Pages 259 - 286)
- 5.4 Successor Arrangements for National Care Home Contract (Pages 287 - 290)
- 5.5 Social Care and Wellbeing Lone Working Arrangements (Pages 291 - 304)
- 5.6 Removal 77-79 King Street Aberdeen from the Social Care and Wellbeing Account Portfolio (Pages 305 - 308)

6 **ITEMS WHICH THE COMMITTEE MAY WISH TO CONSIDER IN PRIVATE**

**SOCIAL CARE AND WELLBEING**

- 6.1 Extension of Contracts for Registered Care Home Service for People with Long Term Alcohol Misuse Problems (Pages 309 - 330)
- 6.2 Housing and Personal Care (including Lifestyle Support) Service – **EHRIA to follow** (Pages 331 - 338)

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Allison Swanson, tel 522822 or email [aswanson@aberdeencity.gov.uk](mailto:aswanson@aberdeencity.gov.uk)

## Briefing for Elected Members on the Importance of EHRIAs

As an elected member, you will know you have an important role to play in championing equality within and outside Aberdeen City Council. There is also a scrutiny role for you to ensure that equality considerations are included in the decision making and governance of the council.

In exercising your duties as an elected member, you will make decisions which shape the council budget as well as the practice, strategies, plans and policies of the council. You have to make sure that the relevant equality implications are considered and so need to have sufficient information to satisfy our legal requirement to pay “due regard” to equality. Since public authorities subject to the equality duties are also likely to be subject to the obligations under the Human Rights Act, our impact assessment tool also considers the potential impact our decisions could have on human rights – Equality and Human Rights Impact Assessment (EHRIA).

EHRIA forms are included in the agenda pack, and this is important as it ensures that the impact of any proposals being considered by the Committee is clear at the point of decision making. These are included at the back of the report, as an appendix. Committee members should feel able to ask questions of report authors in relation to EHRIA forms, including questions about why an impact assessment has not been carried out/is not included.

There is an onus on elected members to make sure that EHRIAs are robust and give appropriate weighting in decision-making processes. In recent guidance from the Equality and Human Rights Commission, relevant case law examples show the Courts stating that, the public authority had to demonstrate that it had paid ‘due regard’ to its equality obligations.

Policies and practices should be assessed for impact across the three parts of the public sector duty (eliminate unlawful treatment, advance equality of opportunity and foster good relationships).

These duties do not prevent us from taking many difficult decisions such as reorganisations and relocations, redundancies, and service reductions, nor do they stop us from making decisions, that may affect one group more than others. Whilst we have a duty to involve groups of people who have protected characteristics, this does not give them the right of veto regarding any of our budget proposals or other council decisions.

What the equality duties do is enable us to demonstrate that we are making decisions in a fair, transparent and accountable way, considering the needs and the rights of different members of our communities.

The EHRIA will allow you to see that people with protected characteristics are enjoying equal access to our services, and where they are not, or are over/under-represented, or are not getting as good a service, the EHRIA gives the opportunity to do something to resolve the situation.

The equality target groups, or people with protected characteristics, include age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) and sexual orientation.

The sort of questions to ask yourself as you read an EHRIA might include:

- How might the proposal impact on ethnic minority communities, including Gypsy/Travellers?
- How might the proposal impact on people with a disability?
- Would the impacts on women and men or the Transgender community differ?
- Would the proposal affect ethnic minority women and men in the same ways?
- Would the proposal affect women and men with disabilities in the same ways?
- What about age considerations when thinking about impacts?

It is important to remember that the potential impact is not just about numbers. Evidence of a serious impact on a small number of individuals is just as important as something that will impact on many people. You should also think about how individual proposals might relate to one another. This is because a series of changes to different policies or services could have a severe impact on particular protected groups.

The EHRIA is therefore an invaluable tool to assist you in ensuring that the interests of all groups are properly taken into account when difficult choices about resources are required.

**A case study on “Southall Black Sisters – the need to impact assess decisions” is set out below.**

Southall Black Sisters (SBS) provides specialist services to Asian and Black Caribbean women, particularly in relation to domestic violence issues.

In June 2007, Ealing council announced proposals to move away from funding particular organisations (such as SBS), towards commissioning services (including domestic violence services) following a competitive bidding exercise.

During discussions about criteria for commissioning domestic violence services SBS had highlighted the adverse impact the criteria could have on pre-existing domestic violence services provided to women from ethnic minority communities, and so an equality impact assessment should be carried out.

Ealing carried out belated impact assessments on proposals before deciding to proceed with the existing domestic violence services commissioning criteria, resulting in two SBS service users launching a judicial review of the decision.

Ultimately, Ealing conceded these submissions and withdrew from the case. However, in an oral judgement, Lord Justice Moses reiterated the importance of undertaking an equality impact assessment, and also the importance of carrying out an impact assessment before policy formulation.

Should you require any help with EHRIAs please contact me at [sandrab@aberdeencity.gov.uk](mailto:sandrab@aberdeencity.gov.uk) or 01224 523039 or Faiza at [fnacef@aberdeencity.gov.uk](mailto:fnacef@aberdeencity.gov.uk) or 01224 523183.