



Equality and Human Rights Impact Assessment - the Form

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **proposal** should be understood broadly to include the full range of our activities and could refer to a decision, policy, strategy, plan, procedure, report or business case, embracing a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Essentially everything we do!

STEP 1: Identify essential information

1. Committee Report No.

2. Name of proposal.

3. Officer(s) completing this form.

Name	Designation	Service	Directorate
Liz Gillies	Service Manager	Schools	Education Culture and Sport

4. Date of Impact Assessment.

5. When is the proposal next due for review?

6. Committee Name.

7. Date the Committee is due to meet.

8. Identify the Lead Council Service and who else is involved in delivering this proposal (for example other Council services or partner agencies).

Education Culture and Sport

9. Please summarise this Equality and Human Rights Impact Assessment (EHRIA). This must include any practical actions you intend to take or have taken to reduce, justify or remove any adverse negative impacts. This must also include a summary of how this proposal complies with the public sector equality duty for people with protected characteristics - see Step 2. **Please return to this question after completing the EHRIA.**

This action will not impact negatively on any specific equality group. The action is in line with the legal action permitted in terms of the Placing Request legislation in The Education (Scotland) Act. The action will ensure that places are available for pupils in their local zoned school. The schools identified are those where there is considerable pressure on school places. This action will ease that pressure on particular schools.

10. Where will you publish the results of the Equality and Human Rights Impact Assessment? Tick which applies.

Para 9 of EHRIA will be published in committee report in Section 6 "Impact"
 Full EHRIA will be attached to the committee report as an appendix

Copied to Equalities Team to publish on the Council website

STEP 2: Outline the aims of the proposal

11. What are the main aims of the proposal?

To ensure that places at local schools are available for local pupils.

12. Who will benefit most from the proposal?

Families who wish their children to attend their local school.

13. You should assess the impact of your proposal on equality groups and tell us how implementing this proposal will impact on the needs of the public sector equality duty to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations.

All parents of children of age to attend their local primary or secondary school have the entitlement to apply for a place in an Aberdeen City school. Placing request procedure as determined in The Education(Scotland) Act. This act also empowers Local authorities to reserve places at the school or relating to a particular stage of education, as are in the opinion of the Education Authority reasonably required to accommodate pupils likely to become resident in the area of the school during the school session.

The EQIA has not identified any group that would be adversely affected by the new legislation. It is not considered that any changes to the policy should be made as a result of the assessment, as the evidence and data gathered indicate that overall the provisions will have a positive impact on all children and young people living in the catchment area and on equality issues.

This action will not impact on any child or young person either directly or indirectly in a discriminatory manner based on the basis of age, disability, race, religion or belief, sex, sexual orientation or gender reassignment.

STEP 3: Gather and consider evidence

15. What **evidence** is there to identify any potential positive or negative impacts in terms of involvement, consultation, research, officer knowledge and experience, equality monitoring data, user feedback and other? You must consider relevant evidence, including evidence from equality groups.

There is no evidence from any particular families that previous roll capping has had a discriminatory impact on any specific equality groups. No particular equality group has been represented during the appeals processes.

STEP 4: Assess likely impacts on people with Protected Characteristics

16. Which, if any, people with protected characteristics and others could be affected positively or negatively by this proposal? Place the symbol in the relevant box. Be aware of cross-cutting issues, such as older women with a disability experiencing poverty and isolation.

(Positive +, neutral 0, - negative)

Protected Characteristics					
Age - Younger	0	Disability	0	Gender Reassignment*	0
Older					
Marriage or Civil Partnership	0	Pregnancy and Maternity	0	Race**	0
Religion or Belief	0	Sex (gender)***	0	Sexual orientation****	0
Others e.g. poverty	0				

Notes:

* Gender Reassignment includes Transsexual

** Race includes Gypsy/Travellers

*** Sex (gender) i.e. men, women

**** Sexual orientation includes LGB: Lesbian, Gay and Bisexual

17. Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above.

In making the assessment you must consider relevant evidence, including evidence received from individuals and equality groups. Having considered all of these elements, you must take account of the results of such assessments. This requires you to consider taking action to address any issues identified, such as removing or mitigating any negative impacts, where possible, and exploiting any potential for positive impact. If any adverse impact amounts to **unlawful discrimination**, the policy must be amended to avert this. Detail the impacts and describe those affected.

<p>Positive impacts (describe protected characteristics affected) All pupils will have the opportunity to attend their local school.</p>	<p>Negative Impacts (describe protected characteristics affected) Parents choosing to make a placing request for a school outwith their school zone will be negatively affected.</p>
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STEP 5: Human Rights - Apply the three key assessment tests for compliance assurance

18. Does this proposal/policy/procedure have the potential to interfere with an individual's rights as set out in the Human Rights Act 1998? State which rights might be affected by ticking the appropriate box(es) and saying how. **If you answer "no", go straight to question 22.**

- Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment
- Article 6 – Right to a fair and public hearing
- Article 8 – Right to respect for private and family life, home and correspondence
- Article 10 – freedom of expression
- Other article not listed above

How?

Legality

19. Where there is a potential negative impact is there a legal basis in the relevant domestic law?

No – this action is reflecting and implementing the law in order to ensure pupils have access to their zoned school.

Legitimate aim

20. Is the aim of the policy identified in Steps 1 and 2 a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

Yes

Proportionality

21. Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?

Yes, the action will only impact upon schools where there is pressure on school capacity. 17 schools out of a possible 60 schools

STEP 6: Monitor and review

22. How will you monitor the implementation of the proposal? (For example, customer satisfaction questionnaires)

The action will be reviewed on an annual basis.

23. How will the results of this impact assessment and any further monitoring be used to develop the proposal?

The results of the impact assessment will ensure the decisions being made in respect of roll capping will be reviewed by officers on a regular basis, at least annually.

STEP 7 SIGN OFF

The final stage of the EHRIA is formally to sign off the document as being a complete, rigorous and robust assessment.

Person(s) completing the impact assessment.

Name	Date	Signature
Liz Gillies	04.03.2014	

Quality check: document has been checked by

Name	Date	Signature
Penny Morton	04.03.2014	

Head of Service (Sign-off)

Name	Date	Signature
Charlie Penman	0.04.2014	

Now –

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal to:

Equalities Team
Customer Service and Performance
Corporate Governance
Aberdeen City Council
Business Hub 13
Second Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk