

# Equality and Human Right Impact Assessment: The Form

Aberdeen City Council

EHRIA



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, **the word “proposal” refers to policy, strategy, plan, procedure, report or business case.** This then, embraces a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Please also refer to the “Completion Terminology” at the end of the form.

## 1: Equality and Human Rights Impact Assessment- Essential Information

<b>Name of Proposal:</b>  Inclusion Review and Project Governance	<b>Date of Assessment:</b>  12/11/14										
<b>Service:</b> Education Service	<b>Directorate:</b> Education, Culture and Sport										
<b>Committee Name or delegated power reference</b> (Where appropriate):  Education and Children's Services	<b>Date of Committee</b> (Where appropriate): 2/12/14										
<b>Who does this proposal affect?</b>  Please Tick ✓	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Employees</td> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Job Applicants</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Service Users</td> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Members of the Public</td> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Other (List below)</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> </table>	Employees	<input checked="" type="checkbox"/>	Job Applicants	<input type="checkbox"/>	Service Users	<input checked="" type="checkbox"/>	Members of the Public	<input checked="" type="checkbox"/>	Other (List below)	<input type="checkbox"/>
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Other (List below)	<input type="checkbox"/>										

## 2: Equality and Human Rights Impact Assessment- Pre-screening

**Is an impact assessment required?**

Yes

No

**If No, what is the evidence to support this decision?**

(Once this section is completed, please complete section 8 of the form).

### 3: Equality and Human Rights Impact Assessment

**a- What are the aims and intended effects of this proposal?**

Implementing the recommendations from the Inclusion Review will ensure that our practices are in keeping with national legislation, in particular our adherence to a 'presumption of mainstreaming', as outlined in the Standards in Scotland's Schools Act (2000)

Full implementation will increase the capacity of schools to be more responsive to the ever-changing needs of the school community.

**b- What equality data is available in relation to this proposal?**

(Please see guidance notes)

The recommendations will impact on all children in City Schools. In line with a 'presumption of mainstreaming, we would anticipate that increased numbers of children will attend their local school, thus reducing the number of pupils who travel across the city to access a suitable provision.

The data in relation to exclusions from school, positive destinations and incidents of bullying is expected to reduce.

The recommendations will impact positively on attainment and achievement as expectations of some of our most vulnerable pupils will be increased.

<p><b>c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has taken place in relation to the proposal.</b></p>	<p>The key impact of the recommendations will relate to equalities and Human Rights issues. Consultation to date includes:</p> <ul style="list-style-type: none"> <li>• Elected members</li> <li>• Parents and carers</li> <li>• Service managers and Quality Improvement Officer across the service</li> <li>• Senior Managers in schools</li> <li>• Teaching staff</li> <li>• Support Staff</li> <li>• Educational Psychologists</li> <li>• Specialist providers</li> <li>• Unions</li> <li>• NHS</li> <li>• Third Sector</li> <li>• Children and young people</li> </ul> <p>The recommendations have been largely well received.</p>
<p><b>d- Financial Assessment</b></p> <p>If applicable, state any relevant cost implications or savings expected from the proposal.</p>	<p><b>Costs (£)</b></p> <p>Implementation cost <input data-bbox="1193 994 1413 1062" type="text" value="£"/></p> <p>Projected Savings <input data-bbox="1193 1110 1413 1179" type="text" value="£"/></p> <p>Reducing transport costs will generate increased revenue to implement proposed changes.</p>

**e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?**

- Removing / minimizing disadvantage – Implementation of these proposals will increase sustainability and enable schools to be more responsive to the ever changing needs of the community. A sharpening of staff’s inclusive skills will be delivered and consideration of how best to use expertise already available in the City to benefit a wider group of Learners will result.
- Meeting the needs of different groups – Updating policies and guides will help the meet the needs of pupils experiencing social and emotional difficulties, school attendance, barriers due to such conditions as Autistic Spectrum Disorder, Attachment Disorder, as well as looked after children gifted and talented children and other groups of pupils requiring additional support.
- Taking account of disabled people’s impairments – Developing early intervention strategies, reviewing a number of service which support pupils throughout the city including: Language units, Dyslexia unit, Hospital and Home tuition, Autism Outreach, Sensory Services, English as an Additional Language. Effectively audit additional support needs in all schools and services to ensure a consistent and proportional allocation of resources.
- Tackling prejudice and promoting understanding – Further movement towards presumption of mainstreaming will support schools to take greater ownership of learning need within the school community, rather than perceive that access to another provision across the city is the only means of supporting individuals in need of additional support. UNESCO Salamanca states that mainstream establishments with an inclusive orientation ‘are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all.’

**f- How does this proposal link to the Council’s Equality Outcomes?**

**7. Improved opportunities for people with protected characteristics to participate in public life.** – Sharpening staff skills and enabling schools to be more response will enrich the educational experience of all pupils. This enriched educational experience will

better all pupils to participate in public life.

**18. a. Improve opportunities for life long learning.** - Effectively meeting the needs of pupils requiring additional support will make their school experience more enjoyable and increase their educational achievement. Creating an enjoyable school experience will encourage pupils to undertake further life long learning opportunities.

**18. b. Reducing the gap in educational attainment between pupils.** – Further promoting solution focussed approaches will offer timely personalised pathways to meet the needs of pupils. This approach will enable pupils experiencing difficulties to reach their full potential reducing the attainment gap through effective early identification and support. Further early identification of needs will also ensure pupils reach their full potential.

**19. Improve awareness, knowledge and understanding of diversity and equality. (a. Increase promotion of diversity and equality through all aspects of planning. b. Promoting the importance of diversity and equality to all staff)** – The review has taken full account of its obligations with regards to The Equality Act 2010 which clarifies and improves the definition of disability discrimination. The review also analysed The Race Relations (Amended) Act 2000 which places a general duty on public authorities (including education authorities) to: eliminate unlawful racial discrimination; promote equality of opportunity; and promote good relations between people of different race.

#### 4: Equality Impact Assessment - Test

**What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

<b>Protected Characteristic:</b>	<b>Neutral Impact:</b> Please ✓	<b>Positive Impact:</b> Please ✓	<b>Negative Impact:</b> Please ✓	<b>Evidence of impact and if applicable, justification where a '<i>Genuine Determining Reason</i>'* exists</b> *( see completion terminology)
<b>Age</b> (People of all ages)		✓		Inclusion review findings and recommendations – As a result of the recommendations there will be a positive impact on pupils, parents and carers.
<b>Disability</b> (Mental, Physical, Sensory and Carers of Disabled people)		✓		Inclusion review findings and recommendations - As a result of the recommendations there will be a positive impact on pupils. Educational establishments will be enabled to be more responsive to meet the needs of pupils requiring additional support.
<b>Gender Reassignment</b>	✓			
<b>Marital Status</b> (Marriage and Civil Partnerships)	✓			
<b>Pregnancy and Maternity</b>	✓			



## Equality Impact Assessment Test:

**What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

<b>Protected Characteristic:</b>	<b>Neutral Impact:</b> Please ✓	<b>Positive Impact:</b> Please ✓	<b>Negative Impact:</b> Please ✓	<b>Evidence of impact and if applicable, justification where a '<i>Genuine Determining Reason</i>'* exists</b> *( see completion terminology)
<b>Race</b> (All Racial Groups including Gypsy/Travellers)		✓		Inclusion review findings and recommendations - As a result of the recommendations there will be a positive impact on pupils. Educational establishments will be enabled to be more responsive to meet the needs of pupils (gypsy/travellers) requiring additional support.
<b>Religion or Belief or Non-belief</b>	✓			
<b>Sex</b> (Women and men)	✓			
<b>Sexual Orientation</b> (Heterosexual, Lesbian, Gay And Bisexual)		✓		Inclusion review findings and recommendations - As a result of the recommendations there will be a positive impact on pupils. Educational establishments will be enabled to be more responsive to meet the needs of pupils requiring additional support.
<b>Other</b> (e.g: Poverty)		✓		Inclusion review findings and recommendations - As a result of the recommendations there will be a positive impact on pupils. Educational establishments will be enabled to be more responsive to meet the needs of pupils requiring additional support.

## 5: Human Rights Impact Assessment Test

Does this proposal have the potential to impact on an individual's Human Rights? Evidence of impact and , if applicable, justification where the impact is proportionate

**Article 2 of protocol 1: Right to education**

Yes  No

**Evidence:**

Inclusion review findings and recommendations – As a result of the recommendations the education experience of pupils will be enriched.

**Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment**

Yes  No

**Evidence:**

Inclusion review findings and recommendations – As a result of the recommendations the education experience of pupils will be more consistently positive.

<p><b>Article 6: Right to a fair and public hearing</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>Evidence:</b></p>
<p><b>Article 8: Right to respect for private and family life, home and correspondence</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>Evidence:</b></p>
<p><b>Article 10: Freedom of expression</b></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p><b>Evidence:</b></p> <p>The review supports developing staff understanding of a range needs to ensure that schools and services support children to express their views and feelings.</p>

**Article 14: Right not to be subject to discrimination**

Yes

No

**Evidence:**

Inclusion review findings and recommendations – At the heart of the inclusion review is the UNESCO Salamanca Statement that mainstream establishments with an inclusive orientation ‘are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all.’

Aberdeen City is committed to ensuring all children and young people are respected, valued and supported in every way to ensure that education and care ‘is directed to the development of the personality, talents mental and physical abilities of the child or young person to their fullest potential’. (The Standards in Scotland’s Schools Act (2000))

**Other article not listed above, please state:**

Article 23 – A child with a disability has the right to live a full and decent life with dignity and independence, and to play an active part in the community. Governments must do all they can to provide support to disabled children.

Yes

No

**Evidence:**

Inclusion review findings and recommendations – One of the recommendations of the Inclusion review is that children should be educated in their local community. Schools are at the heart of the community and encourage all pupils to play an active role.

### 6: Assessment Rating:

**Please rate the overall equality and human right assessment**  
(Please see Completion terminology)

Red

Red  
Amber

Amber

Green

**Reason for that rating:**

As a result of performing this proposal does not appear to have any adverse impacts on people who share *Protected Characteristics*. The EHRIA has highlighted that the proposal has a positive impact on the *Protected Characteristics* group **Disability** (Children requiring additional support).

## 7: Action Planning

As a result of performing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:

## 8: Sign off

**Completed by (Names and Services) :**

**Signed off by (Head of Service) :**

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal document and/or committee report 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](mailto:sandrab@aberdeencity.gov.uk)

## 9: Completion Terminology:

### Assessment Pre-screening Rating:

This section will highlight where there is the obvious potential for a negative impact and subsequent risk of negative media coverage and reputational damage to the Council. Therefore, a full impact assessment is required, for example around sensitive issues such as marching, Gypsy/ Traveller issues, change to social care provision. It should also be completed to evidence why a full impact assessment was not required, example, there is no potential negative impact on people.

### Assessment Rating:

After completing this document, rate the overall assessment as follows:

**Red:** As a result of performing this assessment, it is evident that we will discriminate (direct, indirect, unintentional or otherwise) against one or more of the nine groups of people who share *Protected Characteristics*. It is essential that the use of the proposal be suspended until further work or assessment is performed and the discrimination is removed.

**Red Amber:** As a result of performing this assessment, it is evident that a risk of negative impact exists to one or more of the nine groups of people who share *Protected Characteristics*. However, a genuine determining reason may exist that could legitimise or justify the use of this proposal and further professional advice should be taken.

**Amber:** As a result of performing this assessment, it is evident that a risk of negative impact exists and this risk may be removed or reduced by implementing the actions detailed within the *Action Planning* section of this document.

**Green:** As a result of performing this proposal does not appear to have any adverse impacts on people who share *Protected Characteristics* and no further actions are recommended at this stage.



<b>Equality Data:</b>	<p>Equality data is internal or external information that may indicate how the proposal being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> <li>1: Application success rates by <i>Equality Groups</i></li> <li>2: Complaints by <i>Equality Groups</i></li> <li>3: Service usage and withdrawal of services by <i>Equality Groups</i></li> <li>4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i></li> </ol>
<b>Genuine Determining Reason</b>	<p>Certain discrimination may be capable of being justified on the grounds that:</p> <ol style="list-style-type: none"> <li>(i) <i>A genuine determining reason exists</i></li> <li>(ii) <i>The action is proportionate to the legitimate aims of the organisation</i></li> </ol> <p>Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Assessment.</p>
<b>Human Rights</b>	<p>The rights set out in the European Convention on Human Rights, as incorporated into the UK Law by the Human Rights Act 1998.</p>
<b>Legal Status:</b>	<p>This document is designed to assist us in “<i>Identifying and eliminating unlawful Discrimination, Harassment and Victimisation</i>” as required by <i>The Equality Act Public Sector Duty 2011</i>. An Equality Impact Assessment is not, in itself, legally binding and should not be used as a substitute for legal or other professional advice.</p>