

# Equality and Human Right Impact Assessment: The Form



## EHRIA

### Aberdeen City Council

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> Holiday Pay – Legal Issue	<b>Date of Assessment:</b> 11/11/14
<b>Service:</b> Human Resources and Organisational Resources	<b>Directorate:</b> Corporate Governance
<b>Committee Name or delegated power reference</b> (Where appropriate): Finance Policy and Resources	<b>Date of Committee</b> (Where appropriate): 4 <sup>th</sup> December 2014
<b>Who does this proposal affect?</b>  Please Tick ✓	Employees <input type="checkbox"/> Job Applicants <input type="checkbox"/> Service Users <input type="checkbox"/> Members of the Public <input type="checkbox"/> 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?**

To ensure that Aberdeen City Council complies with legislation in relation to the calculation of holiday pay

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

(Please see guidance notes)

Information on the composition of the workforce.

<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>Consultation is continuing with Trades Unions in regard changes to the method of calculation of holiday pay required as a result of an Employment Appeals tribunal judgement on 4<sup>th</sup> November 2014.</p> <p>The issue is one which affects employees only.</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> Costs are to be determined following conclusions of Trades Union Consultation</p> <div style="text-align: center;"> <input data-bbox="1193 1254 1413 1326" type="text"/> </div>

<b>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?</b>	
Not applicable. The change is required as a result of legislation and does not impact on the public sector equality duty.	
<b>f- How does this proposal link to the Council's Equality Outcomes?</b>	
Not applicable. The change is required as a result of legislation and does not impact on the Council's equality outcomes.	

#### 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* ?**

Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a ' <i>Genuine Determining Reason</i> '* exists *( see completion terminology)
<b>Age</b> (People of all ages)	✓			
<b>Disability</b> (Mental, Physical, Sensory and Carers of Disabled people)	✓			
<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* ?**

Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a ' <i>Genuine Determining Reason</i> '* exists *( see completion terminology)
<b>Race</b> (All Racial Groups including Gypsy/Travellers)	✓			
<b>Religion or Belief or Non-belief</b>	✓			
<b>Sex</b> (Women and men)	✓			
<b>Sexual Orientation</b> (Heterosexual, Lesbian, Gay And Bisexual)	✓			
<b>Other</b> (e.g: Poverty)	✓			



## 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:

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

Yes  No

Evidence:

<b>Article 6: Right to a fair and public hearing</b>	<b>Yes</b> <b>No</b> <b>Evidence:</b>
<b>Article 8: Right to respect for private and family life, home and correspondence</b>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Evidence:</b>
<b>Article 10: Freedom of expression</b>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Evidence:</b>
<b>Article 14: Right not to be subject to discrimination</b>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Evidence:</b>

<b>Other article not listed above, please state:</b>	<b>Yes</b> <b>No</b>
	<b>Evidence:</b>

<b>6: Assessment Rating:</b>
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<b>Please rate the overall equality and human right assessment</b> (Please see Completion terminology)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <span style="color: red;">Red</span> <span style="color: red;">Red</span> <span style="color: orange;">Amber</span> <span style="color: orange;">Amber</span> <span style="color: green;">Green</span>
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<b>Reason for that rating:</b>	The proposal will apply equally to all employees of the Council. There is no indication of any negative impact on any protected characteristic groups.
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<b>7: Action Planning</b>
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**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:
None	None			

**8: Sign off**

<b>Completed by (Names and Services) :</b>	Karen Templeton, Human Resources and Organisational Development
<b>Signed off by (Head of Service) :</b>	
<p>Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal document and/or committee report to:</p> <p>Equalities Team  Customer Service and Performance  Corporate Governance  Aberdeen City Council  <b>Business Hub 13</b>  Second Floor North  Marischal College  Broad Street  Aberdeen  AB10 1AB</p> <p>Telephone 01224 523039 Email <a href="mailto:sandrab@aberdeencity.gov.uk">sandrab@aberdeencity.gov.uk</a></p>	

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### 9: Completion Terminology:

<b>Assessment Pre-screening Rating:</b>	<p>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.</p>
<b>Assessment Rating:</b>	<p>After completing this document, rate the overall assessment as follows:</p> <p><b>Red:</b> 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 <i>Protected Characteristics</i>. It is essential that the use of the proposal be suspended until further work or assessment is performed and the discrimination is removed.</p> <p><b>Red Amber:</b> 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 <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this proposal and further professional advice should be taken.</p> <p><b>Amber:</b> 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 <i>Action Planning</i> section of this document.</p> <p><b>Green:</b> As a result of performing this proposal does not appear to have any adverse impacts on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>
	<p>Equality data is internal or external information that may indicate how the proposal</p>

<b>Equality Data:</b>	<p>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>