

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

<p>Name of Proposal:</p> <p>Community Learning & Development Review of Service Delivery and Community Assets</p>	<p>Date of Assessment:</p> <p>9/12/14</p>										
<p>Service:</p> <p>Communities and Housing</p>	<p>Directorate:</p> <p>Communities, Housing and Infrastructure/ Education, Culture and Sport</p>										
<p>Committee Name or delegated power reference (Where appropriate):</p> <p>Communities, Housing and Infrastructure</p>	<p>Date of Committee (Where appropriate):</p> <p>13/1/15</p>										
<p>Who does this proposal affect?</p> <p>Please Tick ✓</p>	<table style="width: 100%; border: none;"> <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?

The Scottish Government Strategic Guidance for Community Planning Partnerships, Community Learning and Development, places a number of obligations on Community Planning Partnerships and Local Authorities in respect of Community Learning and Development (CLD), ***including a requirement to audit the need for Community Learning and Development.***

The Scottish Statutory Instrument (SSI) on The Requirements for Community Learning and Development (Scotland) Regulations 2013 states that Local Authorities are required to “initiate and, having done so, to maintain and facilitate a process by which Community Learning and Development is secured within the area of the authority in a way that:

- Identifies target individuals and groups
- Has regard to the needs of those target individuals and groups for that Community Learning and Development
- Assesses the degree to which those needs are already being met

- Identifies barriers to the adequate and efficient provision of that Community Learning and Development.”

Therefore, to meet legislative requirements and instruction from Education, Culture and Sport Committee on 24th March 2011, the aim of this Review is to understand the need and ensure that the City has, or is planning to have appropriate quality and quantity of community learning and library facilities in the most appropriate locations.

It considers supply and demand issues for community learning and library facilities and provides a framework for the prioritisation, provision and improvement of facilities in the City.

It will specifically:

- Provide a database of current provision of community learning and development activities.
- Deliver a gap analysis of need and opportunities for working differently.
- Provide an audit of buildings owned by the Council which enable the delivery of a range of community

	<p>activities.</p> <ul style="list-style-type: none"> • Maximise the use of existing assets. • Reduce inequalities in access to facilities for participation in community learning & development • Ensuring external investment provision meets needs identified as being required across the City in an equitable way. • Enhances opportunities for partnership working and attracting external funding.
<p>b- What equality data is available in relation to this proposal? (Please see guidance notes)</p>	<p>One strand of this review (Outcomes Task Group) was to audit the current provision of community learning and development activities across the City, including activities delivered by the Council and other partners and independent organisations.</p> <p>This involved a more detailed audit of 3 associated school group areas: St Machar, Torry and Northfield (the city's three regeneration areas) and the Group undertook a 3 stage consultation process. A benchmarking exercise was also undertaken with Dundee, East Renfrewshire, Edinburgh and</p>

South Ayrshire Local Authorities.

The data gathered and used as part of the review included:

- Area profiles: data on demographics, home ownership, car availability, qualification, deprivation, employment and community learning provision (amount and type).
- Regeneration and non regeneration related information.
- Scottish Index of Multiple Deprivation.
- Audit of buildings where community learning and development activities take place considering physical condition, fitness for purpose, costs and context of the community asset is located in.
- 3 stage consultation process – Public consultation events and use of survey monkey. These were targeted and advertised widely via post and/or email, social media. This included LGBT, older people and young people groups all invited to participate in the events or online survey.
- Information on other infrastructure projects identified by the School Estate Review and Sport and Leisure Asset Review.

	<ul style="list-style-type: none"> • Benchmarking data.
<p>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.</p>	<p>From the public consultation events:</p> <ul style="list-style-type: none"> • Gap analysis - Allowed comparison of provision against needs, as well as identifying potential areas of over or under provision. • A number of general issues including issues relating to learning and development opportunities, volunteer development, resources, support for management committees, promotion of community learning, consultation, partnership working. <p>From Survey Monkey:</p> <ul style="list-style-type: none"> • Improved communication, information and promotion • Lack of provision and community support • Provision of evening requirement for adult and youth work <p>From benchmarking with other Local Authorities:</p> <ul style="list-style-type: none"> • Generalisations in relation to physical resource, staff,

	<p>volunteers, budget and investment.</p> <p>The outcomes from the consultation will be considered and used to prepare the implementation stage of this Project, which will be planned after approval by Committee. Where gaps in provision were identified by the consultation, Officers will seek methods of addressing these. A further consultation plan on suggested future options will be included with the Committee Paper, and it is likely that a 3-4 month consultation period on those various options identified will follow.</p>
<p>d- Financial Assessment</p> <p>If applicable, state any relevant cost implications or savings expected from the proposal.</p>	<p>Costs (£)</p> <p>Unknown at this point. Once review has been reported to Committee, the implementation plan will include a financial assessment.</p> <p>Implementation cost <input type="text" value="£ tbc"/></p> <p>Projected Savings <input type="text" value="£ tbc"/></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?

The review does contribute to the public sector equality duty by:

- Undertaking a gap analysis of needs and looking at opportunities for working differently.
- Maximising the use of existing assets which will enable the delivery of a range of community learning and development activities including community libraries, learning centres and community centres.
- Improving the quality of community facilities.
- Reducing inequalities in access to facilities for participation by the local community
- Enhance opportunities for partnership working and the attraction of external funding.

Undertaking public consultation. It is likely that when the review moves to implementation stage that further consultation will take place.

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

The review specifically links to the following Council Equality Outcomes:

14. People with protected characteristics who make better use of cultural and sporting facilities.

- Reaching out to minority/ ethnicity target groups including LGBT, older people, and young people.
- Reducing inequalities in access to facilities for participation in community learning and libraries.

18. a Improved opportunities for life long learning

- Improving the quality of community facilities.
- Undertaking a gap analysis of needs and looking at opportunities for working differently.
- Maximising the use of existing assets which will enable the delivery of a range of community learning activities including community libraries, learning centres and community centres.

Enhance opportunities for partnership working and the attraction of external funding

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)
Age (People of all ages)		✓	✓	The outcomes of the review if approved by Committee, <i>may</i> impact negatively upon certain age groups. For example, any changes in location or opening times of libraries or community facilities may have an impact on older people or people with young families. This could cause access problems in terms of transportation costs, time and availability of transport.
Disability (Mental, Physical, Sensory and Carers of Disabled people)		✓	✓	The outcomes of the review if approved by Committee, <i>may</i> impact negatively upon people with a disability. For example, any changes in location or opening times of libraries or community facilities. This could cause access problems in terms of transportation costs, time and availability

				of transport. However, the library does offer books to be delivered to peoples homes 'Library at Home' but there could be a social interaction element that could also impact negatively. In addition the aims of the review, for example, to improve the quality of community facilities will have a positive impact.
Gender Reassignment	√			
Marital Status (Marriage and Civil Partnerships)	√			
Pregnancy and Maternity	√			
Equality Impact Assessment Test:				
What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by <i>The Equality Act 2010</i> ?				
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)

Race (All Racial Groups including Gypsy/Travellers)	√			
Religion or Belief or Non-belief	√			
Sex (Women and men)	√			
Sexual Orientation (Heterosexual, Lesbian, Gay And Bisexual)	√			
Other (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:

Article 6: Right to a fair and public hearing

Yes No

Evidence:

Article 8: Right to respect for private and family life, home and correspondence	Yes No ✓ Evidence:
Article 10: Freedom of expression	Yes <input type="checkbox"/> No ✓ Evidence:
Article 14: Right not to be subject to discrimination	Yes <input type="checkbox"/> No ✓ Evidence:
Other article not listed above, please state:	Yes <input type="checkbox"/> No ✓ Evidence:

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:

The overall assessment rating of amber is based upon the following:

- The work underpinning this Review is not about budget savings but is to understand the need and ensure that the city has, or is planning to have the appropriate quantity and quality of community learning and library facilities in the most appropriate locations.
- The Council is meeting its legislative requirements in terms of consulting with identified target individuals and groups as well as bodies providing Community Learning and Development and securing adequate library facilities for all persons in their areas.

However, having carried out the assessment, there is the potential for:

- Certain people with protected characteristics such as Age and Disability feeling that the outcomes, if approved by Committee, may have a negative impact upon them as described above.

	<ul style="list-style-type: none"> • Individuals to feel that the outcomes, if approved by Committee, <i>may</i> impact their Human Rights particularly under Article 2 and 14. • Individuals to feel they have not had the opportunity to contribute to the review adequately. <p>Therefore, there is the <i>potential</i> risk of a negative impact occurring that requires action.</p>
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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 <i>The Equality Act 2010</i> ?				
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:

8: Sign off

Completed by (Names and Services) :	Gail Woodcock, Service Manager Sport & Communities
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

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 <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>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 <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>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 <i>Action Planning</i> section of this document.</p> <p>Green: 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:</p>	<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"> 1: Application success rates by <i>Equality Groups</i> 2: Complaints by <i>Equality Groups</i> 3: Service usage and withdrawal of services by <i>Equality Groups</i> 4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i>
<p>Genuine Determining Reason</p>	<p>Certain discrimination may be capable of being justified on the grounds that:</p> <ol style="list-style-type: none"> (i) <i>A genuine determining reason exists</i> (ii) <i>The action is proportionate to the legitimate aims of the organisation</i> <p>Where this is identified, it is recommended that professional and legal advice is sought</p>

	prior to completing an Equality Impact Assessment.
Human Rights	The rights set out in the European Convention on Human Rights, as incorporated into the UK Law by the Human Rights Act 1998.
Legal Status:	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.