

# 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

**Name of Proposal: Monitoring of data protection compliance for period April – June 2014**

**Date of Assessment: 03/03/2015**

**Service: Legal & Democratic Services**

**Directorate: Corporate Governance**

**Committee Name or delegated power reference (Where appropriate):**

Audit & Risk Committee

**Date of Committee (Where appropriate):**

26<sup>th</sup> February 2015

**Who does this proposal affect?**

Please Tick ✓

Employees

☐

Job Applicants

☐

Service Users

☐

Members of the Public

☐

Other (List below)

☐

<b>2: Equality and Human Rights Impact Assessment- Pre-screening</b>	
<b>Is an impact assessment required?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>If No, what is the evidence to support this decision?</b> (Once this section is completed, please complete section 8 of the form).	The report details statistics which demonstrate compliance with Council policy and procedures for data protection matters including subject access requests and data protection breaches. No EHRIA is required as no areas of non-compliance are highlighted and existing policies and procedures have previously been subject to EHRIA assessment.

<b>3: Equality and Human Rights Impact Assessment</b>	
<b>a- What are the aims and</b>	

<b>intended effects of this proposal?</b>	
<b>b- What equality data is available in relation to this proposal?</b>  (Please see guidance notes)	
<b>c- List the outcomes from any consultation that relate to equalities and/or human rights</b>	

<p><b>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><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 738 1415 810" type="text" value="£"/></p> <p>Projected Savings        <input data-bbox="1193 858 1415 930" type="text" value="£"/></p>
<p><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></p>	

<b>f- How does this proposal link to the Council's Equality Outcomes?</b>

#### 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>				
<b>Equality Impact Assessment Test:</b>				

**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)				
<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> 	<div> <div>Yes</div> <div>No</div> </div> <b>Evidence:</b> 
<b>6: Assessment Rating:</b>	
<b>Please rate the overall equality and human right assessment</b> (Please see Completion terminology)	<div> <div> <input type="checkbox"/>  Red </div> <div> <input type="checkbox"/>  Red  Amber </div> <div> <input type="checkbox"/>  Amber </div> <div> <input type="checkbox"/>  Green </div> </div>
<b>Reason for that rating:</b> 	

<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:

**8: Sign off**

<b>Completed by (Names and Services) :</b>	Fiona Smith, Governance Support Officer, Legal & Democratic Services
<b>Signed off by (Head of Service) :</b>	Jane MacEachran, Head of Legal & Democratic Services
<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>