

# 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> Fishing memorial – working group	<b>Date of Assessment:</b> 23/03/15										
<b>Service:</b> Culture	<b>Directorate:</b> Education and Children’s Services										
<b>Committee Name or delegated power reference</b> (Where appropriate): Council	<b>Date of Committee</b> (Where appropriate): 13 <sup>th</sup> May 2015										
<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 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 type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Members of the Public</td> <td style="text-align: center; padding: 5px;"><input 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 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"/>
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Other (List below)	<input type="checkbox"/>										

<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).	

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### 3: Equality and Human Rights Impact Assessment

<p><b>a- What are the aims and intended effects of this proposal?</b></p>	<p>The aim of the proposal is to establish a short life working group which will carry out the commissioning of an appropriate memorial to the men and women of the fishing industry in Aberdeen.</p>
<p><b>b- What equality data is available in relation to this proposal?</b></p> <p>(Please see guidance notes)</p>	<p>The nature of the project means that there is no reliable data historically which relates to equalities. However, officers leading the project are working with the City Historian to provide a briefing paper on the history of the fishing industry for the working group which provide information on the historical role of women in the industry, in order that the brief developed for the commission reflects the diversity of individuals who were/are part of the industry.</p>

<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>There has been no consultation with the public to date: this will happen when the report to Council is made available on the council website.</p> <p>Consultation with staff and unions is not required as it will not affect staff.</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 type="text" value="£ 110,000"/></p> <p>Projected Savings          <input type="text" value="£ 0"/></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</b></p>	

**relations?**

**The memorial will ensure that the roles of both men and women involved in the fishing industry are reflected in the finished artwork. The selection panel (also the working group) will take expert advice from the city historian to ensure that all briefings, press releases, and the commission itself, is historically accurate. In addition, the scoring sheet which will inform the shortlisting of the artist, will include a consideration of any positive/negative equalities issues and be score accordingly, hence influencing both the artist commissioned and the completed artwork.**

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

**By ensuring that the Council's Equality Outcomes are factored into the project commission, the selection of shortlisted artists through the assessment criteria, and officers brief the working group on their responsibilities in this regard, the Council's Equalities Outcomes will be supported.**

#### 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)	✓			The project will be designed to broadly appeal to all ages, and is not designed to consider any age in particular.
<b>Disability</b> (Mental, Physical, Sensory and Carers of Disabled people)	✓			The project will not consider disability in particular, but the space the artwork is housed in will be fully accessible to those with disabilities, and of a tactile nature.
<b>Gender Reassignment</b>	✓			The project will not consider in particular gender reassignment, but will not negatively reflect on the subject.
<b>Marital Status</b> (Marriage and Civil Partnerships)	✓			The project will not directly portray marriage or civil partnerships, but a key consideration is likely to be the dynamic between the sexes which contribute towards the success of the industry.
<b>Pregnancy and Maternity</b>	✓			The project does not consider pregnancy or maternity specifically.

<b>Equality Impact Assessment Test:</b>				
<b>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> ?</b>				
<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)	✓			The project will not directly address race, and if the proposed work is figurative, the artist will take advice to ensure the piece reflects the racial backgrounds of those in the industry.
<b>Religion or Belief or Non-belief</b>	✓			The project does not directly address religion, belief or non-belief, and is designed to provide broad appeal.
<b>Sex</b> (Women and men)		✓		There will be an opportunity as part of the commissioning process to highlight the role of women in the industry, as opposed to the view of one dominated and driven by men.
<b>Sexual Orientation</b> (Heterosexual, Lesbian, Gay And Bisexual)	✓			The project does not directly address sexual orientation, and is designed to provide broad appeal, regardless of sexual orientation.



<b>Other</b> (e.g: Poverty)	√			The project will sensitively consider the harsh circumstances under which many involved in the industry lived.
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<b>5: Human Rights Impact Assessment Test</b>	
<b>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</b>	
<b>Article 2 of protocol 1: Right to education</b>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>Evidence:</b></p>
<b>Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment</b>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>Evidence:</b></p>

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

	<b>Evidence:</b>
<b>Other article not listed above, please state:</b>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Evidence:</b>
<b>6: Assessment Rating:</b>	
<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"/> <b>Red</b> <b>Red</b> <b>Amber</b> <b>Green</b> <b>Amber</b>
<b>Reason for that rating:</b>	There are measures which can be put in place by Officers, with the Fishing Memorial Working group, to ensure that a memorial to the industry has a gender balance or neutrality which helps to develop a wider understanding and awareness of the role in particular, of women and girls. We would anticipate developing a

	leaflet to highlight this as part of the commissioning process.
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<b>7: Action Planning</b>				
<b>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> ?</b>				
<b>Identified Risk and to whom:</b>	<b>Recommended Actions:</b>	<b>Responsible Lead:</b>	<b>Completion Date:</b>	<b>Review Date:</b>
<b>Completed artwork does not fully reflect the diversity of those working in the industry – members of the public</b>	<b>Project commission brief requires the selected artist to ensure gender equality/neutrality in the narrative of the commissioned artwork</b>	<b>Cultural Policy and Partnership manager</b>	<b>TBC (dependent on commission issue date)</b>	<b>TBC</b>


**8: Sign off**

<b>Completed by (Names and Services) :</b>	Lesley Thomson, Cultural Policy and Partnership Manager, Education and Children’s services
<b>Signed off by (Head of Service) :</b>	

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:

<b>Assessment Pre-screening Rating:</b>	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.
<b>Assessment Rating:</b>	After completing this document, rate the overall assessment as follows: <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

	<p>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>
<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>

	Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Assessment.
<b>Human Rights</b>	The rights set out in the European Convention on Human Rights, as incorporated into the UK Law by the Human Rights Act 1998.
<b>Legal Status:</b>	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.