

# 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>	<b>Date of Assessment: 24 June 2015</b>								
<b>Technical Advice Note: Student Accommodation</b>									
<b>Service: Planning and Sustainable Development</b>	<b>Directorate: Communities, Housing and Infrastructure</b>								
<b>Committee Name or delegated power reference (Where appropriate):</b> Development Management	<b>Date of Committee (Where appropriate):</b> 16 July 2015								
<b>Who does this proposal affect?</b>  Please Tick ✓	<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 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> </table>	Employees	<input checked="" type="checkbox"/>	Job Applicants	<input type="checkbox"/>	Service Users	<input type="checkbox"/>	Members of the Public	<input checked="" 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 checked="" type="checkbox"/> <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).	

### 3: Equality and Human Rights Impact Assessment

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

The purpose of this Technical Advice Note: Student Accommodation is to provide advice on new purpose built student accommodation and change of use to student accommodation. It outlines issues that need to be considered in the decision making process when it comes to student accommodation. This Technical Advice Note also provides clarity to developers, agents, universities and other stakeholders on how Aberdeen City Council will manage the development of student accommodation.

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

(Please see guidance notes)

This Technical Advice Note (TAN) supports the policies in the adopted Aberdeen Local Development Plan, which underwent extensive public consultation. The Local Development Plan team organised nine drop-in events across the City inviting members of the public to put their views across on the Main Issues Report. These have helped draft the Proposed Plan. Workshops were all held in public buildings which were accessible to all such as libraries, sports facilities, shopping centres and community centres. Community Councils, Key Agencies and those who had previously been involved in the Aberdeen Local Development Plan process were invited to the events. The events were advertised to the public in a number of ways including newspaper articles before the events, a statutory newspaper advert, a radio advert, posters in the local libraries, supermarkets, NHS facilities, community centres and Sport Aberdeen facilities across the city, information on the Council website and the City Centre Pillars.

<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>No issues were raised in relation to impacts on protected characteristics in the public consultation.</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="0"/></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 relations?</b></p>	
<p>This proposal helps to meet the needs of different people groups, in this case, the needs of students and their accommodation. It takes account of disabled people’s impairments by advocating for developments that are designed in an inclusive and accessible manner. The TAN also promotes understanding for different people groups, which includes planning officers, agents, developers and further education institutions.</p>	
<p></p>	

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

The TAN contributes to the Council's Equality Outcomes because it advocates good relations between Council employees and other stakeholders involved in the built environment. It also helps to advance the equality of opportunity for students in further education institutions in Aberdeen by ensuring that they live in a built environment that is positive and safe, thus promoting their well-being.

#### 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 TAN will impact positively on people of all ages, especially students because they will have a living environment that is positive and safe.
<b>Disability</b> (Mental, Physical, Sensory and Carers of Disabled people)		✓		The TAN promotes accessible, inclusive and well planned developments that are fit to use for everybody, in this case for students.
<b>Gender Reassignment</b>	✓			The TAN will have no impact on gender reassignment
<b>Marital Status</b> (Marriage and Civil Partnerships)		✓		The TAN will give opportunities for married students and those in civil partnerships to live together, as it supports student accommodation of different kinds, as long as they adhere to the proposed criteria.
<b>Pregnancy and Maternity</b>	✓			The TAN does not impact negatively on pregnancy or maternity.

#### 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 ‘Genuine Determining Reason’* exists</b> *( see completion terminology)
<b>Race</b> (All Racial Groups including Gypsy/Travellers)	✓			The TAN will not have an impact on race.
<b>Religion or Belief or Non-belief</b>	✓			The TAN will not have an impact on religious-beliefs.
<b>Sex</b> (Women and men)	✓			The TAN will not have an impact on sex.
<b>Sexual Orientation</b> (Heterosexual, Lesbian, Gay And Bisexual)	✓			The TAN will not have an impact on sexual orientation.
<b>Other</b> (e.g: Poverty)	-	-	-	N/A

### 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	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
Article 6: Right to a fair and public hearing	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
Article 8: Right to respect for private and family life, home and correspondence	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Evidence: The TAN advocates for student accommodation developments to respect the residential amenities of surrounding areas and to have appropriate</p>

	management plans in place to minimise any potential negative impacts from occupants.
<b>Article 10: Freedom of expression</b>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" 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 checked="" type="checkbox"/> <b>Evidence:</b>
<b>Other article not listed above, please state:</b>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" 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 checked="" type="checkbox"/> <b>Red</b> <b>Red</b> <b>Amber</b> <b>Green</b> <b>Amber</b>
<b>Reason for that rating:</b>	The TAN will not have any negative impact on equality and human rights. It will help to promote a built environment that is accessible, inclusive and safe, not just for students,

	but also for future citizens of Aberdeen.
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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:
<b>Non-identified</b>	<b>N/A</b>			

<b>8: Sign off</b>
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<b>Completed by (Names and Services) :</b>	Sandra Ng'ambwa, Planning Trainee, Planning and Sustainable Development
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<b>Signed off by (Head of Service) :</b>	
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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>	<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.</p> <p>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>

	<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.
<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>	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.