

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: Extend Pilot Stay On Site Approach to S1 Lunches at two of the council's Academies and encourage healthy eating.	Date of Assessment: 2nd December 2015										
Service: Land & Property Assests	Directorate: Communities, Housing & Infrastructure										
Committee Name or delegated power reference (Where appropriate):	Date of Committee (Where appropriate): Council 25th February 2016										
Who does this proposal affect? Please Tick ✓	<table style="width: 100%; border-collapse: collapse;"> <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 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 type="checkbox"/>	Other (List below)	<input type="checkbox"/>
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Job Applicants	<input type="checkbox"/>										
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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?

The aims of the proposal are to increase school meal uptake at Bucksburn and Oldmachar Academies, by keeping S1 pupils in school over the lunch period, so having to take a school lunch.

The intended effects of the proposal are to

1. Increase school meal income
2. Further encourage children to make healthy meal choices
3. Increase educational attainment
4. Make a positive impact on child healthy weight and the ongoing challenges for health service partners in dealing with obesity related illnesses
5. See a decrease in behavioural issues from children being out of school over the lunch break

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

(Please see guidance notes)

The pilot of this initiative has been running at Cults Academy for 3 years and has seen a significant increase in meal uptakes and the associated income this generates.

The school had concerns over the safety of their youngest

	<p>pupils, many of whom were choosing to cross the Deeside Road to purchase lunch from such as Kelly’s of Cults. There were behavioural issues also arising from large groups of children congregating on pavements and associated litter from purchases being left behind.</p> <p>It is too early to evidence the impacts on educational attainment or child healthy weight.</p>
<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>The proposal to extend the pilot has been identified as part of the Procurement Achieving Commercial Excellence (PACE) programme. Colleagues in Education & Children’s Services have been consulted on the proposal, but further consultation would be required before implementation.</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>Implementation cost: There were no up front implementation costs at Cults Academy, however, as the service has continued to expand, there are implications for both Catering and Educational staff, so this would likely be the case for both Bucksburn and Oldmachar Academies.</p>

Projected Income: An combined increase of £50,000 can be reasonably expected.

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?

Extending the pilot would further help to bury the stigma associated with being in receipt of free school meals. As all S1 pupils would be taking lunch in the school, all purchases would be made via the Accord Card, thus not identifying any pupil who is in receipt of free school meals. This would not be the case if S1 pupils were continued to be allowed to leave school, where those in receipt of free school meals may not have the money to make purchases from local food outlets, where those that weren't could have.

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

The proposal may link to Equality Outcome 18. b. Reduce the gap in educational attainment. By keeping all S1 pupils in and having access to the same healthy lunch options, may have a positive impact on attainment levels for the most needy, as indicated in 3 a) above.

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)	✓			
Disability (Mental, Physical, Sensory and Carers of Disabled people)	✓			
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)		✓		Proposal would help to ensure that those in S1 who were entitled to a free meal would be taking one, easing the burden on parents/guardians

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:

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

<p>Other article not listed above, please state:</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Evidence: It may be open to challenge that S1 pupils human rights are being infringed by forcing them to stay in school over the lunch period.</p>
<p>6: Assessment Rating:</p>	
<p>Please rate the overall equality and human right assessment (Please see Completion terminology)</p>	<p> <input type="checkbox"/> Red <input type="checkbox"/> Red Amber <input type="checkbox"/> Amber <input checked="" type="checkbox"/> Green </p>
<p>Reason for that rating:</p>	<p>In terms of equality, the impacts on the nine protected characteristics are all felt to be neutral. The proposal may positively impact on low earning families and those in receipt of free school meal qualifying benefits.</p> <p>In terms of human rights, there has been no challenge from Cults</p>

	Academy parents in this regard, in fact the pilot scheme was encouraged by parents and subsequently well received. It could reasonably be expected then, that the same would go if the pilot was extended to Bucksburn and Oldmachar Academies.
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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 *The Equality Act 2010* ?

Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
N/A				

8: Sign off				
Completed by (Names and Services) :	Andy Campbell, Facilities Manager, Land & Property Assets			
Signed off by (Head of Service) :	John Quinn			
<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 Business Hub 13 Second Floor North Marischal College Broad Street Aberdeen AB10 1AB</p> <p>Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk</p>				

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. 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. 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. 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.

Equality Data:	<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>
Genuine Determining Reason	<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 prior to completing an Equality Impact Assessment.</p>
Human Rights	<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>
Legal Status:	<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>