



City of Edinburgh Council

Record of Equality and Rights Impact Assessment

Part 1: Background and Information

(a) Background Details

Please list ERIA background details:

ERIA Title and Summary Description: Alternative to Secure Care, Intensive support and electronic monitoring

Service Area	Division	Head of Service	Service Area Reference No.
Support to Children & Young People	Family & Community Support	Alistair Gaw	CF27 (d)

(b) What is being impact assessed?

Describe the different policies or services (i.e. decisions, projects, programmes, policies, services, reviews, plans, functions or practices that relate to the Corporate ERIA Title):

Policies and Services	Date ERIA commenced
New procedure for dealing with children who require an alternative to secure in the form of intensive support and electronic monitoring. This is a new procedure and therefore requires an Equality and Rights Impact Assessment.	19/08/2014

(c) ERIA Team

Please list all ERIA Team Members:

Name	Organisation / Service Area
Janine McGowan	Young People's Service
Steve Harte	Young People's Service
Julia Sproul	Principal Officer: Equalities

Part 2: Evidence and Impact Assessment

(a) Evidence Base

Please record the evidence used to support the ERIA. Any identified evidence gaps can be recorded at [part 3a](#). Please allocate an abbreviation for each piece of evidence.

Evidence	Abbreviation
The Children (Scotland) Act 1995	
The Children's Hearing (Scotland) Act 2011	
The Children's Hearing (Scotland) Act 2011 (Movement Restriction Conditions) Regulations 2013	
The Secure Accommodation Regulations 2013	
City of Edinburgh Council Assessment of Need and Risk Policy and Procedure City of Edinburgh Managing Children and Young People who Pose a Significant Risk of Harm to Others Procedure City of Edinburgh Council Looked After Children - Secure Accommodation Procedure Inter-agency Child Protection Procedures Edinburgh and the Lothians The United Nations Convention on the Rights of the Child (UNCRC) (1989)	

(b) Rights Impact Assessment – Summary

Please describe all the identified enhancements and infringements of rights against the following ten areas of rights. Please also consider issues of poverty and health inequality within each area of rights:

- Life
- Health
- Physical security
- Legal security
- Education and learning
- Standard of living
- Productive and valued activities
- Individual, family and social life
- Identity, expression and respect
- Participation, influence and voice

Please indicate alongside each identified enhancement or infringement the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

Summary of Enhancements of Rights

Depriving a child of their liberty in any form will only be imposed as a last resort and for the shortest period possible. The views of the child and their parents/carers will be obtained at the earliest opportunity and considered as part of the Movement Restriction Condition (MRC) assessment. An MRC will not be pursued where there is not agreement from the child, parents or the carer where the child resides.

Children are not automatically provided with legal advice when a MRC is being considered by a children's hearing, it is only routinely provided when secure care is being considered. Where an MRC is being considered the child and their parent/carers will be informed of their

rights by the lead professional and will be able to seek legal advice if they choose. In addition to this children who are looked after will be entitled to support by the council's Children's Rights Team and Who Care? Scotland.

Summary of Infringement of Rights

Can these infringements be justified? Are they proportional?

(c) Equality Impact Assessment – Summary

Please consider all the protected characteristics when answering questions 1, 2 and 3 below. Please also consider the issues of poverty and health inequality within each protected characteristic:

- Age
- Disability
- Gender identity
- Marriage / civil partnership
- Pregnancy / maternity
- Race
- Religion / belief
- Sex
- Sexual orientation

1. Please describe all the positive and negative impacts on the duty to eliminate unlawful discrimination, harassment or victimisation. Please indicate alongside each identified impact the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

Positive Impacts

Neither positive or negative to report.

Negative Impacts

2. Please describe all the positive and negative impacts on the duty to advance equality of opportunity (i.e. by removing or minimising disadvantage, meeting the needs of particular groups that are different from the needs of others and encouraging participation in public life)? Please indicate alongside each identified impact the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

Positive Impacts

Ensure the needs of particular groups are met by the lead professionals involved in the care of each child. Through the Equalities and Rights Impact Assessment this has been identified and made explicit within the procedure.

Negative Impacts

3. Please describe all the positive and negative impacts on the duty to foster good relations (i.e. by tackling prejudice and promoting understanding)? Please indicate alongside each identified impact the relevant policy or service (see [part 1b](#)) and relevant evidence (see [part 2a](#)).

Positive Impacts

Neither positive or negative to report.

Negative Impacts

Part 3: Evidence Gaps, Recommendations, Justifications and Sign Off

(a) Evidence Gaps

Please list all relevant evidence gaps and action to address identified gaps.

Evidence Gaps	Action to address gaps
None	

(b) Recommendations

Please record SMART recommendations to

- (i) eliminate unlawful practice or infringements of absolute rights;
- (ii) justify identified infringements of rights; or
- (iii) mitigate identified negative equality impacts.

Recommendation	Responsibility of (name)	Timescale
Ensure procedure is explicit about children being informed of their rights.	Janine McGowan	Completed 22/09/14
Ensure procedure is clear of how children with disabilities and those where English is not their first language will be supported.	Janine McGowan	Completed 22/09/14
Utilise intensive support to meet need and reduce risk and only recommend Movement Restriction Conditions where all alternatives have been exhausted.	All Practice Team Managers	Ongoing

(c) Sign Off

I, the undersigned, am content that:

- (i) the ERIA record represents a thorough and proportionate ERIA analysis based on a sound evidence base;
- (ii) the ERIA analysis gives no indication of unlawful practice or violation of absolute rights;
- (iii) the ERIA recommendations are proportionate and will be delivered;
- (iv) the results of the ERIA process have informed officer or member decision making;
- (v) that the record of ERIA has been published on the Council's website / intranet, or
- (vi) that the ERIA record has been reviewed and re-published.

Date	Sign Off (print name and position)	Reason for Sign Off (please indicate which reason/s from list (i) to (vi) above)
02/10/2014	Alistair Gaw, Head of Support to Children & Young People	i