



# 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: Procurement of Residential Care for Young People;

This existing service is for the provision of residential care placements for young people who are looked after. Accommodation is required for 9 service users aged from 15 ½ years including young parents with their babies. A revised service specification will be drawn up and the service procured through a tendering process

| Service Area             | Division                             | Head of Service        | Service Area Reference No. |
|--------------------------|--------------------------------------|------------------------|----------------------------|
| Communities and Families | Support to Children and Young People | Andy Jeffries (Acting) | CF18 (f)                   |

#### (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 |
|--|---------------------|
| Procurement of Residential Care for Young People |                     |
|  |                     |
|  |                     |
|  |                     |

#### (c) ERIA Team

Please list all ERIA Team Members:

| Name         | Organisation / Service Area   |
|--------------|---|
| Scott Dunbar | Children and Families, Service Manager  |
| David Hoy    | Children and Families, Commissioning Officer                                    |
| Julia Sproul | Children and Families, Equalities Officer                                       |
| Paula Deegan | Commercial and Procurement Services, Senior Category and Procurement Specialist |
|              |   |

## 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 |
|---|--------------|
| City of Edinburgh Council Getting It Right For Every Child Guidance   |              |
| Children and Families Service Plan 2015-2018  |              |
| The Children (Scotland) Act 1995<br>The Children's Hearing (Scotland) Act 2011<br>The United Nations Convention on the Rights of the Child (UNCRC) (1989) |              |
| Council Contract Standing Orders and Procurement legislation  |              |
| Consultation with young people  |              |

### (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

The service redesign will provide a residential service for young people as well as short term intensive support to enable the young person to move on from the service. The Service will enhance outcomes for young people in respect of areas identified above. The identification and collection of outcomes will use the SHANNARI framework.

Young people who are looked after will be entitled to support by the council's Children's Rights Team and Who Cares? Scotland. Their entitlement to this support will be promoted both by the staff of the commissioned service.

#### Summary of Infringement of Rights

Can these infringements be justified? Are they proportional?

It is possible that the award of the new contract to a different provider will impact on the current workforce, however the application of TUPE responsibilities may mitigate the impact and ensure that rights are not infringed

**(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](#)).

|  |
|--|
| <b>Positive Impacts</b>  |
| Young people will be referred to the service and their needs assessed on an individual basis. Within the contract there will be an equalities statement stating that it is the duty of the commissioned service to comply with the Equalities Act 2010. Issues of non compliance will be picked up through regular monitoring of the service. In the specification it states that ‘ The provision of the service will be governed by enacted legislation and indicative “best practices” for the industry, as well as The City of Edinburgh Council policies’<br>The service specification will identify the need for the provider to ensure accommodation that can cater for young parents with their babies. |
| <b>Negative Impacts</b>  |
| None identified  |

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](#)).

|  |
|--|
| <b>Positive Impacts</b>  |
| Ensure the needs of particular groups are met by the lead professionals involved in the care of each child/young person and that support required by the Provider is detailed within the child/young persons plan. This has been made explicit within the specification.<br><br>Within the contract extension there will be an equalities statement that makes clear the duty of the commissioned services to comply with the Equalities Act 2010. |
| <b>Negative Impacts</b>  |

None identified

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](#)).

|   |
|---|
| <b>Positive Impacts</b>   |
| It will be expected that staff employed by the commissioned service will be able to challenge and address inappropriate behaviour. To ensure this, there is a clause in the Terms and Conditions of Contract stating 'At all times, the Service Provider shall ensure that each of the Service Provider's Personnel is suitably qualified, adequately trained and capable of providing the applicable services in respect of which they are engaged.' |
| <b>Negative Impacts</b>   |
| None identified   |

### 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 that there is an explicit requirement in the service specification regarding staff training and capacity to work with young people with other protected characteristics | Scott Dunbar             | April 2016 |
| Ensure that there is an explicit requirement in the service specification regarding the accessibility for disabled young people of the accommodation provided                  | Scott Dunbar             | April 2016 |
|  |                          |            |
|  |                          |            |

#### (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<br>(please indicate which reason/s from list (i) to (vi) above) |
|------|------------------------------------|---|
|      |                                    |   |
|      |                                    |   |
|      |                                    |   |