

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: Participation Requests under the Community Empowerment (Scotland) Act 2015

Participation Requests are focussed on extending and improving community participation in improving outcomes for communities. It is the legislation that enables communities to request to participate in decisions and processes which are aimed at improving outcomes.

This Equality and Rights Impact Assessment assess the impact of the proposed Participation Request process.

Service Area	Division	Head of Service	Service Area Reference No.
Strategy & Insight	Local Community Planning	Laurence Rockey	2017CEO53

(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
Implementation of Part 3 of the Community Empowerment (Scotland) Act 2015 - Participation Requests.	6 February 2017

(c) When is it due to be reviewed? (insert furthest away date if question relates to a number of review dates) **30 June 2018**

(d) ERIA Team

Please list all ERIA Team Members:

Name	Organisation / Service Area
Saty Kaur	Senior Partnership and Communications Officer
Susan Tannock	Estates Optimisation
Dinah Pountain	Senior Community Learning and Development Worker

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
Community Empowerment (Scotland) Act 2015	Ev1
Participation Requests Guidance (issued by the Scottish Government)	Ev2

(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 implementation of Part 3 of the Community Empowerment (Scotland) Act 2015 - Participation Requests, will enhance the right of participation, influence and vote. Participation Requests as part of the Act, intends to enable active participation of communities in addressing the issues and opportunities which are of greatest importance to them (see Ev1 and Ev2 for further information of the Act and Participation Requests).
Summary of Infringement of Rights
Can these infringements be justified? Are they proportional?
No infringement of rights

(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
<p>The Community Empowerment (Scotland) Act 2015 (Ev1) enhances community involvement in community planning; creating new opportunities for influencing public service provision and decision making.</p> <p>The spirit of the Act is improving outcomes for communities, encouraging and promoting dialogue, tackling inequalities and supporting the increased participation of those whose voices are less heard or who face additional barriers.</p>
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
<p>The Act (Ev1) aims to develop more equal relationships and dialogue with community participation bodies. This can be achieved by promoting positive community engagement, leading to improved community participation. The benefits of this include:</p> <ul style="list-style-type: none"> - the planning, development and delivery of public services is influenced by, and responds to, community need - people who find it difficult to get involved (e.g. language barriers, disability, poverty and discrimination) can influence the decisions that affect their lives. <p>The Act places a responsibility on public sector authorities to promote Participation Requests. The guidance (Ev2) recommends that particular effort should be made to promote Participation Requests to more marginalised and disadvantaged communities, who may be less likely to know about and take advantage of such opportunities.</p> <p>Under the terms of the Act, to make a Participation Request, the definition of a community participation body is either a community controlled body, a community council, a community body without written consultation or a body designated by the Scottish Ministers. The legislation does not define what a 'community' can be, which allows for communities of interest to make Participation Requests, as long as it can define the community it relates to. This enables faith groups, ethnic or cultural groups, people affected by a particular illness or disability etc to participate.</p> <p>A public sector authority, in considering whether to agree to a Participation Request, must make their decision in a manner which encourages equal opportunities and meets their responsibility under the Equality legislation. This means taking into account outcomes and activities designed to support people who may be disadvantaged on the basis of age, disability, sex, gender, identity/reassignment, race, religion or sexual orientation.</p>
Negative Impacts

The Regulations provide that the public service authority must promote the use of Participation Requests by publishing on a website and through social media information explaining how a Participation Request may be made to that authority. This could have a negative impact as not everyone, in particular in disadvantaged communities, may have access to online platforms, thus not advancing equality of opportunity.

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

It is expected that Participation Requests will be made and conducted collaboratively, with ongoing dialogue between the community participation body and the public sector authority(ies) before, during and after the Outcome Improvement Process is complete.

In submitting the Participation Request, the public sector authority will consider how the community participation body has engaged and/or consulted with the community it represents, and any other relevant community, and demonstrates support for the proposals.

Once a public sector authority agrees to a Participation Request, it must establish an Outcome Improvement Process, and outline how the community participation body is expected to participate. In some cases, an Outcome Improvement Process may already be established and/or underway, and then the public authority would be expected to outline how the community participation body can join and participate in that process.

Once the process has been established, the community participation body can propose changes within 28 days and the public sector authority must take account of these proposals. Throughout the delivery of the Outcome Improvement Process, it is expected that the public sector authority and the community participation body will continue in dialogue about the process. Any changes that the public sector authority wish to make to the process must always be in consultation with the community participation body.

At the end of the Outcome Improvement Process, the local authority must publish a report on the process. Within this, they must seek the views if the community participation body that made the request and any other community participation bodies involved.

As a result of positive community participation, strengths and assets in communities and across public and private sector agencies are used effectively to deal with the issues communities face; and new relationships are developed between communities and public sector bodies which build trust and make joint action possible.

Negative Impacts

Currently all the guidance issued from the Scottish Government is in English, and the Act aims to empower all communities of interest. To do this, we need to ensure that citizens where English is not their first language are supported to participate in this process and are aware of it.

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
Evidence that Participation Requests are promoting participation from harder to reach and disadvantaged communities	Equalities monitoring and evaluation of the individual and overall process
Evaluation from the process	Evaluation/performance indicators to be identified to ensure the process is meeting the aims of the Act

(b) Recommendations

Please record SMART recommendations which may include actions to

- (i) eliminate unlawful practice or infringements of absolute rights;
- (ii) justify identified infringements of rights; or
- (iii) mitigate identified negative equality impacts
- (iv) further advance equality and rights, and promote good relations.

Recommendation	Responsibility of (name)	Timescale
Comprehensive communications plan to be designed and delivered, in particular to target disadvantaged groups and minority groups to ensure awareness of Participation Requests and other methods of participation in the Council This will also include provision for community participation bodies where English is not their first language. In the first instance, all documentation will have the 'Happy to Translate' logo attached.	Participation Requests working group (led by Michele Mulvaney, Community Engagement and Partnership Development Manager)	tbc
Package of support to be identified, in particular for those communities that may be most in need of support or at a disadvantage, to promote participation for all	Working group as above	tbc
Equalities monitoring/evaluation of Participation Requests	Working group	30 June 2018
Review of ERIA to ensure that the Council's equality and rights duties are being met	Working group	30 June 2018
The Council currently offers free online access in libraries and computers to use. The libraries and some areas of internet (in the city centre) offer free wifi which enables citizens to use their own devices to access online services. As part of the awareness raising of this new process, engagement will take place with the Lifelong Learning Service to enable them to help citizens in local libraries and hubs to access the online information relating to Participation Requests.	Working group	tbc

(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)
23.03.17	Laurence Rockey, Head of Service - Strategy and Insight	(ii) (iii) (iv) (v)