

Record of Equality and Rights Impact Assessment

Part 1: Background and Information

(a) **Background Details** - Please list ERIA background details:

<p>ERIA Title and Summary Description</p>	<p>Review of Employment Support Services for people with a disability</p> <p>The City of Edinburgh Council is committed to the improvement of locally funded employability provision. To aid this we have developed a Commissioning Strategy which highlights the priority areas for Council investment, including support for disabled people. The requirement to comply with the Commissioning Strategy and service planning provides an opportunity to review the current funding arrangements, consult with service users and define a model that will maximize resources, ensure value for money while providing high quality services.</p> <p>The review will investigate and capture the employment needs, aspirations and experiences of disabled people in Edinburgh who wish to enter or sustain employment. It will also investigate what employment support is available for the client group and how effective this is. The review will then produce recommendations which will inform the future procurement of services.</p>		
<p>Service Area</p>	<p>Division</p>	<p>Head of Service</p>	<p>Service Area Reference No.</p>
<p>Economic Development</p>	<p>Employability and Skills</p>	<p>Greg Ward</p>	<p>2017P46</p>

(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
<p>1. Review of Disability Services for people seeking employment support through services currently funded by City of Edinburgh Council</p>	<p>October 2012</p>
<p>2.</p>	
<p>3.</p>	

4.	
5.	

(c) ERIA Team - Please list all ERIA Team Members:

Name	Organisation / Service Area
1. Rona Hunter Senior Economic Development Officer	Employability and Skills, Economic Development, City of Edinburgh Council
2. Brian Martin Principal Officer	Employability and Skills, Economic Development, City of Edinburgh Council
3. Katie Turpie Economic Development Officer	Employability and Skills, Economic Development, City of Edinburgh Council
4. Laura McIntyre Equalities Officer	Employability and Skills, Economic Development, City of Edinburgh Council
5. Kate Kelman Job Strategy Manager	Capital City Partnership
6. Pippa Coutts, Consultant	Pippa Coutts Consultants
7. Jan Beattie, Consultant	Devlin Beattie Partnership
8. Jenny Ewing, Employment Strategy Manager	Capital City Partnership
9. Sebastian Fischer, Chief Executive	Vocal Carers
10. Alison Caldicott Policy Executive	Scottish Government
11. Florence Garabedian Chief Executive	Lothian Centre for Inclusive Living (LCiL)
12. Rosie Wilson Service Manager	Special Schools and Specialist Provision Children and Families, City of Edinburgh Council
13. Malcolm Parnell Equalities Officer	Unison
14. Colin Murray Development Worker	EVOC
15. Mark Grierson Manager	Edinburgh Support Services, Health and Social Care, City of Edinburgh Council
16. Liz Catterson	Independent Consultant, ex Scottish Government Employability Team and Supported Employment Framework

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 3(i). Please allocate an abbreviation for each piece of evidence.

Evidence	Abbreviation
<p>1. A project board was formed consisting of key representatives in areas of interest to employment and disability to ensure the review had an informed steer when forming the strategy and operational delivery of consulting and collecting evidence. These included representatives in the areas of employability, independent living, carers, specialist schools, health and social care, supported employment framework, voluntary and third sector organisations, Scottish government and equalities. An NHS representative was approached through Kate Burton within the NHS but a nominated officer failed to materialise but an agreement was established with the NHS so the consultants could access NHS provision The Works.</p>	PB
<p>2. An independent consultant (Pippa Coutts and Jan Beattie) was secured to carry out independent consultation with the client group and an analysis of services. The consultant was secured through Public Contract Scotland where six organisations were invited to tender. 4 submissions were received. These were scored 70% on quality by a panel of three consisting of Kate Kelman from the Jobs Strategy Group at Capital City Partnership, Laura McIntyre as the Equalities Officer in Employability and Skills and Rona Hunter as the lead Senior Economic Officer for the review. Four questions were asked in the tender, including an emphasis on the consultant's knowledge and experience of the client group and appropriate tools to use to facilitate full participation and remove communication barriers. Neil Fraser from Procurement oversaw the process and provided the scoring matrix documents. After quality scoring, the budget (comprising 30% of the final mark) was added to the matrix to produce a final recommendation which was then approved by Neil Fraser in procurement. The consultant then attended an inception meeting to scope out the details of the successful tender bid and this was reviewed by the Project Board to ensure all groups were fully considered.</p>	CON
<p>3. Through the COSLA model, five local authorities were approached for benchmarking their approach to Supported Employment. Case studies were generated for each of these. They were Glasgow Council (as they were making a significant move to self directed support and currently commissioned services), Stirling Council (as they had undergone a significant review of supported employment services recently), Fife Council (as they had developed a Supported Employment Strategy), North Lanarkshire Council (as they had undergone a significant review of services for disabled people) and Shetland Council as they wholly commissioned services externally at a local level.</p>	LA
<p>4. Employer engagement was also identified as a possible area important to this client group to help access employer opportunities and then to retain and progress in employment. Projects with a high level of supporting people with disabilities to retain employment were consulted for suggestions of employers. From this we conducted meetings with</p>	EMP

accountancy firm Danzig & Co and also the Sheriff Courts. To ensure we got access to employers already interested in this area, we contacted the Business Disability Forum who linked us with Royal Bank of Scotland and Lloyds TSB who were members, with both submitting case studies. We also tapped into the Edinburgh Guarantee model as an example of a successful approach to engaging employers for groups under-represented with opportunities. From this, we were able to help broker a request from a disability project seeking Edinburgh Guarantee access and follow this as a pilot model.	
5. Self Directed Budgets were investigated as they are on horizon of the care agenda and have been piloted in England. For this we talked to the 7 trailblazer projects in England with two providing a case study. Background desk research also took place to inform a final paper for the PB to consider and comment on. We also established links with commissioning manager for Health and Social Care to keep in line with their timelines and developments for SDS.	SDS
6. A session on the development of the City of Edinburgh Council's Consultation Framework was attended with support given on how to create a project mandate and how to strategically map out services.	CF
7 Detailed desk research was conducted with a reading recommendations list produced for the Project Board and five of the key papers were summarised to encourage reading.	RL

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

Summary of Enhancements of Rights
The main focus of the Disability Review of employment support services is to ensure people are able to participate fully in economic activity through the area of employment. This includes access to education and learning; potential for improvement in standard living through income maximization from employment; enabling productive and value activities to take place through engaging with employment support; increase identity, expression and respect as independence through employment is consolidated; and as we have consulted with people with a disability we enhance participation, influence and voice.
Summary of Infringement of Rights. Can these infringements be justified? Are they proportional?
None

(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
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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 Section 1b) and relevant evidence (see Section 2a).

Positive Impacts
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 Section 1 b) and relevant evidence (see Section 2 a).

Positive Impacts
<p>1b Review of Disability Services for people seeking employment support through services currently funded by City of Edinburgh Council The focus of the review is to enable people with a disability to have full participation in economic activity through specialist provision to access and retain and progress in employment. This includes possible improved access to employment opportunities with support to remove barriers and address core issues to engagement and success. It also allows a redistribution of the funds in a more fair and equitable way allowing services to meet a wider and more diverse range of clients of all disabilities.</p>
Negative Impacts
None

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 Section 1 b) and relevant evidence (see Section 2 a).

Positive Impacts
<p>1b. Review of Disability Services for people seeking employment support through services currently funded by City of Edinburgh Council To foster good relations we ensured the consultant engaged with as many groups of people with a disability as possible, covering a wide range of disabilities to ensure as many representative voices were heard as possible. This includes people with a learning disability, mental health needs and autism, aspergers and acquired brain injury as well as people with a visual impairment and hearing difficulties. Where required, resources were made available to the consultant to ensure</p>

barriers to participation were removed to encourage full uptake. We also consulted with carers as a key support to this client group.

Negative Impacts

None

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

(i) **Evidence Gaps** - Please list all relevant evidence gaps and action to address identified gaps.

Evidence Gaps	Action to address gaps
1. Disabled students and education stake holders not fully consulted with. This identified by Project Board and through carers focus group.	We extended the consultants contract and placed additional resources to allow extra time to fully consult with this disabled students and also student stakeholders.
2. Self Directed Support timescales not fully understood by Project Board	Economic Development Officers tasked with speaking to appropriate health and social care officers to provide an up date on this. Set up meeting with Lothian Centre for Inclusive Living Chief Executive Florence Garabedian who sits on the Project Board to advise as she sits on the NHS SDS steering group. Florence linked us to Wendy Dale in the council who is heading up SDS strategy. We now have a secured place within the work-stream development of H&SC via Wendy Dale to follow their implementation of SDS for 2014 allowing us to identify opportunities where possible and learn from their approach.
3. Participation of Hubs contractors in consultation process not being fully realised	Specific request made to manager of main employment hub contract and key sub contractor to ask for more input. Both managers responded positively and followed this up internally.
4. Participation of Department of Work and Pensions clients in the consultation process needs to be clearly established	Relationship established and agreement with named DWP officer agreed with Jim McGonigle at the DWP to facilitate full access and participation. Details given to consultants.
5. External awareness of review taking place	One to one consultations with each Service Level Agreement holder to fully explain the review process; presentation at the Joined Up for Jobs (JUFJ) Forum by Chair Brain Martin and introduction of the consultant; mention of the review in JUFJ weekly digest; presentation at local Neighbourhood Partnership Forum meetings; update for Jobs Strategy Group; articles in Working Capital magazine; update in Neighbourhood Partnership performance bulletin; update progress report to Economic Development committee paper; and also regular email updates to current

<p>6. Are those consulted aware of the findings and able to offer comments and feedback?</p>	<p>Service Level Agreement providers.</p> <p>Individuals, service users and service providers were consulted as part of the review process. To ensure they have follow up feedback on the review and the recommendations, a series of public events are planned for May 2013. Three are for service users and one for service providers. All are to be held at disabled friendly venues at local venues throughout the city to achieve a geographical spread. Comments from these events will be incorporated into the final report to go to council committee.</p>
<p>7. The Engine Shed have started a campaign to retain funding on an individual basis. Do people understand what the proposals are and the legal position of procurement?</p>	<p>At three public consultations for service users and one further public consultation for service providers, a Supported Employment information sheet was produced to explain the model and its flexibility and also provide the membership list to show the breadth of support for this model and websites people could visit for more information. Draft copies of the review also handed out. A presentation on how the review was conducted and the responses and draft conclusion and recommendations was given by the independent consultant. A Q&A then took place for approx 1 hour. All questions requiring follow up were logged and responded to – including copies of the Part B legal requirement to tender and copies of the draft report and supporting papers sent to the student president of the Edinburgh College.</p> <p>Each public consultation was well attended with approx 110 people at the three service users’ consultation meetings and 30 at the service providers meeting.</p> <p>To ensure full participation participants were asked in advance if they required any additional support measures. From this we provided two translators for people with English as a second language and a transcriber for the hard of hearing and a graphics facilitator was available to scribe the meeting in pictures for service users who would find this useful and more accessible.</p>

	<p>Any letters than came in with specific questions related to the Engine Shed were logged and responded to explaining the on-going process and that no decisions had been made but that we were operating within a legal framework of procuring services with public funds.</p>
<p>8. Are current service providers going to struggle with the requirements of a commissioned process?</p>	<p>From CEiS, support sessions have been offered to the current service providers for the Scottish Government initiative Just Enterprise to give guidance and advice on how to set up a consortium, how to tender for public contracts and how to make successful alliances to bring services together for a stronger bidding process. First session took place in June 2013.</p>
<p>9. Have we consulted widely enough?</p>	<p>At the public consultation sessions, if people felt they had not been consulted with we offered further follow up sessions. This has resulted in an additional focus group session for early June with Edinburgh College students as this was specifically requested. We also took the details of Down's Syndrome Scotland who would be interested in being involved in the future. We have conducted 22 focus groups with 100 people, completed 80 service user surveys and 2 1:1 interviews and consulted with 40 workers in these areas - as well as having 140 people at the public consultations.</p>
<p>10. Concerns by Learning Disability Alliance Scotland</p>	<p>A list of questions by a member of Learning Disability Alliance Scotland was submitted at one of the public meetings by James Wilson of Real Jobs. These were answered on Monday 27th May by email in an accessible format and an offer was made to visit the members of the group to explain what is happening and why. Main points explained were the need to go through procurement for value of public money and the need to consult with service users to commission services that are required.</p>
<p>11. Concerns by Edinburgh College Skills for Work course</p>	<p>A concern was raised by the Skills Work Tutor at Edinburgh college that supporting adults with learning disabilities into work would make them worse off and move them</p>

	<p>into poverty. "I would have thought that adults with learning difficulties would be better off supported on benefits and working on a voluntary basis".</p> <p>Reassurance was given that the support on offer if not mandatory and that under the UN convention for Human rights people with a disability have a right to work. The proposed support includes having money and benefits embedded in the service to provide support on income maximization at each stage towards employment and while in employment to ensure decisions are informed at all times.</p>
<p>12. Are there other ways we can support Supported Businesses other than through grants i.e. Article 19 and procurement of services.</p>	<p>A meeting took place with procurement on 29th May 2013 to explore options. Very few opportunities for the Supported Businesses but following up Braille translation possibilities. No laundry services, embroidery or soap production were identified. Some contracts were identified for Braille Press and other opportunities are still being explored.</p>
<p>13. Does this work link with other council strategies?</p>	<p>An Autism strategy is taking place within the council that touches on employment. A meeting took place with the key coordinator who confirmed our findings were in line with what they have found for this client group – that people want to work over training and volunteering. Development from this link is a Project Search initiative to encourage disabled people into employment with the Council and the NHS. Also have an understanding of how Blindcraft legacy money has been invested and confirmation this is in line with the review findings of supporting place and train.</p> <p>Review of Third party Grants also taking place. To allow this to conclude suggestion is to roll-over current funding agreements for one more year.</p>
<p>14. Do we have an understanding of the wider Welfare to Work and Equality issues and how this might impact on clients?</p>	<p>Core staff attended PIP training and also a training session on Universal Credit impacts. Senior staff attended Public Sector Equality Duty training with legal firm Dundas & Wilson.</p>
<p>15. Is the legal basis for what the consultation sound and understood?</p>	<p>Regular meetings took place with the procurement team for advice on this and supporting paperwork was produced under</p>

	Part B of EU legislation. Question submitted to legal services for response on this issue.
16. Have elected members been briefed on this consultation process?	Convener for Economic Development briefed on a monthly basis since March on developments and progress. Briefing meetings took place with other elected members from Conservatives, Green party as well as Labour and SNP in May and June. Councilors' also visited some of the current service providers with significant concerns to better understand their position.
17. Could more be done to help the current providers with transition and change?	Edinburgh Voluntary Organisation Council contacted to see if they could offer up support to the third sector organisations. Agreement put in place for support.

(ii) 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 required)	Timescale
1. Approve the move towards creating a city-wide personalised employment support service based on the principles of the Supported Employment model as outlined in The Supported Employment Framework for Scotland (Scottish Government 2010): A Working Life for all Disabled People. This best meets the needs of the client group as evidenced through extensive consultation where disabled people want an employment service that gets them a job and delivers a service that is centred on them as an individual. This should provide a 76% increase in job outcomes above 16 hours and a 25% increase for all employment outcomes, including retaining employment.	Ken Shaw Rona Hunter	April 2015
2. To approve the need to work towards a new service offer of a Supported Employment Charter for people of all disabilities . This includes a 'one gateway' element to ensure clarity of service offer to job-seeking disabled people and also an employer engagement element to encourage stronger links.	Ken Shaw Rona Hunter	April 2015
3. To approve the need to increase the role of the Council in helping disabled people into employment, including the development of an Edinburgh Guarantee Plus element where modern apprenticeship opportunities are secured for disabled young people.	Ken Shaw Rona Hunter	April 2015
4. To approve the recommendation of ensuring clients are involved in the co-production and design of a future Supported Employment service, significantly increasing their participation and ownership of the process and reflecting the aspirations expressed in the consultation. This helps towards a co-operative council value.	Ken Shaw Rona Hunter	April 2015

5. To acknowledge the on-going review of Third Party Grants and the need for a roll-over of current service provider agreements to allow transitional plans to be developed in-line with new agreements for 2015 onwards. Current providers will then have had 2 and half years to adjust.	Ken Shaw Rona Hunter	April 2015
6. To note the support given to existing providers to fully participate in these developments. This includes Just Enterprise support, Business Gateway meetings and investigation of Article 19 procurement contracts. Edinburgh Voluntary Organisation Council (EVOC) has also been approached to support the providers through these developments.	Ken Shaw Rona Hunter	April 2015

(iii) 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)
24/9/13	Ken Shaw, Service Manager E&S	(i), (ii), (iii), (iv)
24/9/13	Rona Hunter, Senior Economic Development Officer	