



# 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: Managed Support Service to Young Peoples Service Tender

Service Area	Division	Head of Service	Service Area Reference No.
Young Peoples Service	Support to Children and Young People	Alistair Gaw	CF27(e)

#### (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
Service specification for new commissioned service. The specification outlines the service required by the provider to support the Young People's Service to implement intensive support packages both with and without Movement Restriction Conditions (MRC). The service specification is new and therefore requires an Equalities and Rights Impact Assessment (ERIA).	09/12/2014

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

#### (d) ERIA Team

Please list all ERIA Team Members:

Name	Organisation / Service Area
Steve Harte	Young People's Service, Manager
Janine McGowan	Young People's Service, Team Leader
Nuala Scott	Young People's Service, Policy Worker
David Hoy	Children and Families, Commissioning Officer
Jacqueline Leishman	Procurement Specialist
Julia Sproul	Children and Families, Equalities Officer

## 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	
City of Edinburgh Council Children & Families Service Plan 2013-16/2014-17	
City of Edinburgh Council Reducing Reoffending Strategic Plan 2014-2017	
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 United Nations Convention on the Rights of the Child (UNCRC) (1989)	
City of Edinburgh Council Alternatives to Secure Care - Intensive Support & Electronic Monitoring Procedure 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 ERIA for the Alternatives to Secure Care 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 provision of this service will enhance the rights to physical security, productive and valued activities and individual, family and social life for the young people involved. The service promotes the liberty of young people within the parameters of keeping them and others safe. Support from the providers will be for children and young people who require intensive support either with or without a Movement Restriction Condition (MRC). As highlighted in the ERIA for the Alternatives to Secure Care – Intensive Support and Electronic Monitoring procedure depriving a child/young person 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/young person and their parents/cares will be obtained at the earliest opportunity and considered as part of the MRC assessment. An MRC will not be pursued where there is not agreement from the child/young person, parents or the carer where the child resides.

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

### Summary of Infringement of Rights

Can these infringements be justified? Are they proportional?

None identified.

### (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

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 partnership working (team around the child) and 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.

#### Negative Impacts

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>
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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 person's plan. This has been made explicit within the specification.
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At present Edinburgh has a higher proportion of young woman in secure care compared to other local authorities. This new service may impact on the number of young woman in secure care either through providing support to make the transition away from secure care or strengthening support in community settings to prevent the need for secure care.
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<b>Negative Impacts</b>
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None identified.
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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>
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It will be expected that staff employed by the commissioned service will be able to challenge and address inappropriate behavior. To ensure this there is a clause in the Terms and Conditions of the 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'
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<b>Negative Impacts</b>
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None identified.
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### 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 which may include actions to

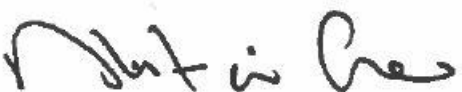
- (i) eliminate unlawful practice or infringements of absolute rights;
- (ii) justify identified infringements of rights; or
- (iii) mitigate identified negative equality impacts
- (iv) further advance equality and rights, and promote good relations.

Recommendation	Responsibility of (name)	Timescale
Assessment and planning processes have procedures to ensure that children and young people are being informed of their rights	Steve Harte	Ongoing
Assessment and planning processes ensure that it is clear how children with disabilities and those where English is not their first language will be supported.	Steve Harte	Ongoing
Utilise intensive support to meet need and reduce risk and only recommend Movement Restrictive Conditions where all alternatives have been exhausted.	Lead Professionals, Team Leaders and 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)
3/3/15		1 – 1V