

ECRIA Full Assessment 2019-20
Budget Proposal on Council Subsidy
to Clyde Muirshiel Regional Park



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North Ayrshire Council Equality and Children's Rights Impact Assessment Form

Equality and Children's Rights Impact Assessment

This form will assist in carrying out an Equality Impact Assessment (and where appropriate Children's Rights Impact Assessment) of new, revised and existing policies and practices. Guidance on how to complete assessments is given in the Council's **Equality and Children's Rights Impact Assessment Toolkit**. The form is mandatory and must be published on the Council website once the policy or practice has been approved.

Section 1 - Details

1.1 Service: Section:

1.2 Name of Policy or Practice being assessed:

Is its new Existing Budget Proposal

*Budget Ref Number (if applicable) **SP-COM-20-03**

1.3 List of participants in Equality (& CRIA) Impact Assessment

1.4 Manager responsible for impact assessment

Name

Designation:

1.5 Timetable

Date assessment started:

Interim review date:

Section 2 – Aims and Relevance

2.1 What is the purpose of the policy, practice or proposal?

North Ayrshire Council provides an annual payment to Clyde Muirshiel Regional Park of £41,000. This is part of a tri-partite agreement with Renfrewshire (lead authority) and Inverclyde. Unlike the other two authorities, North Ayrshire Council has no facilities within the park, although there are aspirations to improve and extend the number of activities in the park and the tourism opportunities for walkers and cyclists, this is dependent on capital investment. Inverclyde has both aspirations and funding to take on the lead authority role and as North Ayrshire has none staffing or service points in the CMRP, it is proposed that NAC support transition from a cash contribution to support those management and subject expert advice.

North Ayrshire makes a small contribution and the greater level of investment and benefit rest with the two partner authorities, while NAC's main benefits in terms of outdoor learning, physical activity, health and wellbeing and biodiversity are achieved through Eglinton Country Park and other natural spaces. The change to North Ayrshire's contribution to the park is the subject of negotiation with the lead authority to quantify the impact of these proposals on the operation of the park, and in particular the benefits to North Ayrshire of the park land and activities.

2.2 Who (indicate the equality groups*) is affected by the policy or practice as an internal or external service user?

Current users of Clyde Muirshiel Regional park

Neighbouring residents

Partner local authorities

2.3 Are there any children's rights (based on the Articles of the UNCRC – Appendix 2) that are impacted on through the proposal? (for further information please refer to the Equality and Children's Rights Toolkit)

Yes - Please also complete the CRIA questions in Appendix.

Questions 2.4 – 2.6 refer to the 'Three Key Needs' of the Equality Duty

2.4 Which aspects of the policy eliminate unlawful discrimination, harassment and victimisation?

This budget proposal should not result in any unlawful; discrimination, harassment or victimisation.

2.5 Which aspects of the policy advance equality of opportunity between people which share a relevant protected characteristic and those who do not?

This budget proposal will not advance equality of opportunity between people which share a relevant protected characteristic and those who do not.

2.6 Which aspects of the policy foster good relations between people who share a protected characteristic and those who do not? (Does it tackle prejudice and promote a better understanding of equality issues).

This budget proposal will not have a direct impact on fostering good relations between people who share a protected characteristic and those who do not. It will ensure by providing alternative provision for those seeking to achieve the outcomes provided by Clyde Muirshiel Regional Park, that those within the protected categories are not disadvantaged.

2.7 Have any cross-cutting impacts been identified from other Council Services or Partner Agencies (multiple discrimination or accumulated effects of multiple proposals on a protected characteristic group)?

The proposal for changes to services within the Countryside Ranger Service at Eglinton Country Park and the review of provision at Arran Outdoor Education Centre may have a cumulative impact, if implemented fully.

2.8 If Crosscutting issues identified with other Services, what discussion/interaction has taken place to mitigate any potential negative impacts of accumulated proposals?

These will be taken into account when reviewing and implementing changes to services. Discussions with Streetscene about the impact on the Local Biodiversity Action Plan will take place, so that the remaining resource prioritises mitigation. Discussions with Education colleagues about the impact on outdoor learning will also take place.

Section 3 – Collecting Information

3.1 What evidence were you able to access about the needs of relevant protected groups?

Potential sources of Evidence:

Regular quarterly reports from Park Manager
Visitor data
Management information
Feedback from partners

Source(s) of Evidence used for this assessment:

Performance Information
Management reports
Programme and use
Customer feedback

3.2 Are there any gaps in your evidence?

No

Section 4 – Impacts

4.1 From the list of protected characteristic groups identified in section 2.3 please identify any potential positive and negative impacts on any of these protected characteristics?

Protected Characteristic	Yes	No	Please Explain (Positive or Negative)
Age (Older people, children and young people – please identify which categories will be affected)		x	The reduction in NAC contribution does not mean that the park will close, or services cease. Hence there may potentially be no impact on this group
Disability (Physical and Learning)		X	The reduction in NAC contribution does not mean that the park will close, or services cease. Hence there may potentially be no impact on this group
Gender reassignment (Where a person is living as the opposite gender to their birth)		X	The reduction in NAC contribution does not mean that the park will close, or services cease. Hence there may potentially be no impact on this group
Pregnancy and Maternity		X	The reduction in NAC contribution does not mean that the park will close, or services cease. Hence there may potentially be no impact on this group
Race, ethnicity, colour, nationality or national origins (including gypsy/ travellers, refugees and asylum seekers)		X	The reduction in NAC contribution does not mean that the park will close, or services cease. Hence there may potentially be no impact on this group
Religion or belief		x	The reduction in NAC contribution does not mean that the park will close, or services cease. Hence there may potentially be no impact on this group

Sex Women and Men)		x	The reduction in NAC contribution does not mean that the park will close, or services cease. Hence there may potentially be no impact on this group
Sexual Orientation (Lesbian, gay and bisexual people)		x	The reduction in NAC contribution does not mean that the park will close, or services cease. Hence there may potentially be no impact on this group
Other (Poverty, homelessness, ex-offenders, isolated rural communities, carers, part-time workers, or people in a marriage/civil partnership)		X	The reduction in NAC contribution does not mean that the park will close, or services cease. Hence there may potentially be no impact on this group

4.2 If there is a possibility that Young People will be impacted through this policy either directly or indirectly – please complete the Children’s Rights Assessment in Appendix 1.

Yes, completed

Fairer Scotland Duty

4.3 The Fairer Scotland Duty (‘the Duty’), Part 1 of the Equality Act 2010 places a legal responsibility on the Council to actively consider (‘pay due regard to’) how we can reduce inequalities of outcome caused by socio-economic disadvantage when making decisions ([further guidance is available here](#)).

Does the proposal have the potential to have a significant impact on inequalities of outcome caused by socio-economic disadvantage?(consider low income; low wealth; material deprivation; area deprivation; communities of place or interest, socio-economic background).

Please explain/explore the key issues below:

4.4 Children and Young People may have a reduced choice of free locations for outdoor learning and programmes such as Duke of Edinburgh Award Scheme, which are led by North Ayrshire Council staff without input from Clyde Muirshiel Regional Park staff.

The reduction in our contribution does not mean that the park will close, or services cease. Hence there may potentially be no impact on this group.

If impacts have been identified how will these be mitigated or explored in more detail? (please outline below)

Alternative opportunities for outdoor learning and for experiences to comply with John Muir Award or Duke of Edinburgh Award are provided elsewhere, for example Arran Outdoor Education Centre, Eglinton Country Park, other natural environments. These activities are led by North Ayrshire Council staff without input from Clyde Muirshiel Regional Park staff.

4.5 Island Proofing

Island Proofing is about considering the particular needs and circumstances of island communities when public sector organisations exercise their functions and make decisions. This has been added to the process of assessing the Council Plan and includes a range of issues such as access to services, digital connectivity, employment and access to education; transport and access to goods and services.

None – no particular impacts on island communities

Section 5 – Assessment

5.1 Is there any evidence that the policy:

- may result in less favourable treatment for particular groups?
- may give rise to direct or indirect discrimination?
- may give rise to unlawful harassment or victimisation?

Yes No No evidence

5.2 If you have identified a negative impact for any protected characteristic, how will you modify this?

See 4.1

5.3 Is the policy or practice intended to promote equality by permitting positive action to remove or minimise disadvantage?

Yes No

5.4 Will the policy lead to positive outcomes for people based on a protected characteristic? (please explain)

No

Section 6 – Consultation & Recommendations

6.1 Describe the consultation undertaken with equality groups, including details of the groups involved and the methods used.

n/a

Section 7 - Outcome of Assessment – please ensure children’s rights have been considered (appendix 1) before completing this section.

7.1 Please detail the outcome of the assessment:

1. No major alterations to the policy assessed: the ECRIA (and socio-economic impact) demonstrates the policy is robust and there is no possible discrimination or adverse impact. All opportunities to promote equality have been taken.
2. Adjust the policy: the ECRIA (and socio-economic impact) identifies potential problems of missed opportunities. Adjust the policy to remove barriers or better promote equality.
3. Continue the policy: the ECRIA (and socio-economic impact) identifies the potential for adverse impact or missed opportunities to promote equality. Set out the justifications for continuing with it in the ECRIA, in line with the duty to have due regard. For the most important policies, compelling reasons will be needed.
4. Stop and remove the policy: the policy shows actual or potential unlawful discrimination. It must be removed or changed

7.2 For Outcome 2. in section 7.1 above - please detail recommendations, including any action required to address negative impacts identified or to better promote equality

7.3 Please state the key issues and recommendations arising from the Children’s Rights Impact Assessment (if applicable)?

Alternative provision can be made available by way of mitigation and so there is no impact on Children’s Rights. The reduction in NAC contribution does not mean that the park will close, or services cease. Hence there may potentially be no impact on this group.

7.4 If Outcome 3 is chosen from section 7.1 above, please outline the justifications for continuing the policy/procedure.

Section 8 – Monitoring

8.1 Describe how you will monitor the impact of this policy e.g. performance indicators used, other monitoring arrangements, who will monitor progress, criteria used to measure if outcomes are achieved.

8.2 Describe how you will publish the results of monitoring arrangements?

8.3 When is the policy or practice due to be reviewed?

8.4 Head of Service who has approved impact assessment

Please insert name and title of the Head of Service who has approved this assessment.

Name:

Title:

Date:

Section 9 – Publication

9.1 All Equality Impact Assessments must be published on the Council website. Please forward to Andrew Hale (ahale@north-ayrshire.gov.uk)

Useful Guidance

Equality and Human Rights Commission: Assessing impact and the public sector duty: A guide for public authorities (Scotland) (2012)
<http://www.equalityhumanrights.com>

Children's Rights:

- <https://www.cypcs.org.uk/rights/uncrcarticles>
- <http://www.gov.scot/Topics/People/Young-People/families/rights>

Appendix 1 - Assessing Children's Rights

When considering the Children's Rights Impact process, some of the key considerations should be recorded in the EIA question section, including any evidence, research and consultation (including any consultation with young people)

Children's Rights Impact Assessment – Not Applicable as no direct or indirect impact on younger people

Assessing the Impact and Presenting Options

1. Please indicate if possible how many children and young people (nearest estimate) are likely to be affected by the policy or measure?

This is an open, public space with unrestricted access so it is not possible to state accurately.

2. Are some children and young people more likely to be affected than others? If, Yes what groups? (consider protected characteristics – e.g. disabled young people, LGBT etc)

From consideration of current users there are none with identified protected characteristics requiring special measures. This is an open, universal provision.

3. What Children's Rights are likely to be affected by the policy/proposal? Please refer to Table 2 (Appendix 2) – summary of Children's Rights measured against the Children's Wellbeing indicators and insert the relevant rights and indicators in the table below.

Wellbeing indicator (e.g. safe, healthy etc)	Children's Right (e.g. 22 – refugee children)
None	Article 1 Article 12 Article 31

4. What likely impact will the policy/proposal have on Children's Rights and Wellbeing? Positive/negative

	Positive (Explain)	Negative (Explain)
Wellbeing Indicators/ Children's Rights -		Article 1: Not all rights are realised Article 12: Views are not taken account of Article 31: Play, leisure and culture.
Other Protected Characteristics	Positive (Explain)	Negative (Explain)
		n/a

5. If Negative impacts are identified how will these be mitigated or the effect reduced?

Article 12: Alternative provision will be discussed and agreed.

Article 31. The alternative provision agreed will have a focus on this article and ensure this right is realised. Example being Active Schools provision, cannot provide further detail as would impact to article 12.

Article 1. By the realising of article 12 and 31, this article will also be achieved.

**6. Are there any resource implications of policy modification or mitigation?
If so please state**

No

7. Conclusions and Recommendations from Children's Rights Assessment (please transfer these to section 7.3 of the main Equality and Children's Impact Assessment report above)

Alternative provision can be made available by way of mitigation and so there is no impact on Children's Rights. The reduction in NAC contribution does not mean that the park will close, or services cease. Hence there may potentially be no impact on this group

Appendix 2 - Wellbeing Indicators and Articles of UNCRC (Rights of the Child)

Wellbeing Indicators (GIRFEC)

Safe	<ul style="list-style-type: none"> Protected from abuse, neglect and harm
Healthy	<ul style="list-style-type: none"> Having the best possible standards of physical and mental health; support to make healthy, safe choices
Achieving	<ul style="list-style-type: none"> Accomplishing goals and thereby boosting skills, confidence and self-esteem; 'being all they can be'.
Nurtured	<ul style="list-style-type: none"> Having a loving and stimulating place to live and grow
Active	<ul style="list-style-type: none"> Having opportunities to take part in a wide range of activities
Respected	<ul style="list-style-type: none"> Being enabled to understand their world, being given a voice, being listened to, and being involved in the decisions that affect their wellbeing.
Responsible	<ul style="list-style-type: none"> Taking an active role within their home, school and community.
Included	<ul style="list-style-type: none"> Being a full member of the communities in which they live and learn; receiving help and guidance to overcome inequalities.

Links between Wellbeing Indicators and Articles of the UNCRC

Wellbeing Indicator	Articles of the UNCRC (Rights of the Child)
Safe	<p>11 - abduction and non-return of children 'Children and Young People have the right to' be protected from being kidnapped or taken out of the country when they shouldn't be.</p> <p>19 - protection from violence, abuse and neglect 'Children and Young People have the right to' be kept safe from harm and protected against violence. They must be given proper care by those looking after them.</p> <p>22 - refugee children 'Children and Young People have the right to' special help and be allowed to live somewhere that is safe if they are a refugee.</p> <p>32 - child labour 'Children and Young People have the right to' protection from doing work which would be dangerous or interfere with their education. If they are under 16 there are laws about where, when and for how long they can work</p> <p>33 - drug abuse 'Children and Young People have the right to' be protected from dangerous drugs.</p>

	<p>34 - sexual exploitation 'Children and Young People have the right to' never be pressurised or forced into doing anything sexual. They have the right to be protected from it.</p> <p>35 - abduction, sale and trafficking 'Children and Young People have the right to' be protected from being abducted or sold. People should never make them do anything against their will, like marry someone.</p> <p>36 - other forms of exploitation 'Children and Young People have the right to' be protected from being taken advantage of in any way and have the right to be protected from any sort of exploitation.</p> <p>37 - inhumane treatment and detention 'Children and Young People have the right to' be treated with respect if they have committed a crime. They should not be locked up unless it is absolutely necessary and they will get legal help.</p> <p>38 - war and armed conflicts 'Children and Young People have the right to' not to be forced to go into the army or take part in war if they are under 15. In Scotland, they have to be 16 to join and are not normally allowed to fight until they are 18.</p>
<p>Healthy</p>	<p>3 – best interests of the child 'Children and Young People have the right to' have their interests considered if a decision is being made by any person about them. What is best for them is what matters.</p> <p>6 – life, survival and development 'Children and Young People have the right to' be kept safe from harm, they have the right to be alive, survive and develop through life.</p> <p>24 - health and health services 'Children and Young People have the right to' if they are ill, be given good healthcare so they can get well again. They have the right to live in a safe, healthy environment with good food and clean drinking water.</p> <p>39 - recovery and rehabilitation of child victims 'Children and Young People have the right to' special support to help them recover if they have been hurt or badly treated.</p>

<p>Achieving</p>	<p>4 – ‘Children and Young People have the right to’ have their rights are protected and an environment where they can grow up safe.</p> <p>18 - parental responsibilities and state assistance ‘Children and Young People have the right to’ both parents having the main responsibility to bring them up and should always consider what is best for them.</p> <p>28 - right to education ‘Children and Young People have the right to’ have an education. In Scotland education is free and children three years old are entitled to a free nursery place.</p> <p>29 - goals of education ‘Children and Young People have the right to’ learn and develop their skills and personality fully, teach them about their own and other people’s rights and prepare them for adult life.</p>
<p>Nurtured</p>	<p>4 – Children and Young People have the right to’ have their rights are protected and an environment where they can grow up safe</p> <p>5 - parental guidance and a child’s evolving capacities ‘Children and Young People have the right to’ their parents being responsible to guide them through their childhood and help them learn how to use their rights.</p> <p>18 - parental responsibilities and state assistance ‘Children and Young People have the right to’ both parents having the main responsibility to bring them up and should always consider what is best for them.</p> <p>20 - children deprived of a family ‘Children and Young People have the right to’ special care if they can’t live with their parents. They may be looked after by other members of their family or by a different family.</p> <p>21 - adoption ‘Children and Young People have the right to’ if they are being adopted, this must only happen under very strict rules which make sure that what is happening is best for them.</p> <p>25 - review of treatment in care ‘Children and Young People have the right to’ if they are looked after in a care home or somewhere else away from home, have their living arrangements looked at regularly to make sure they are still what’s best for them.</p> <p>27 - adequate standard of living</p>

	<p>'Children and Young People have the right to' a safe place to live, food, clothing and to take part in things they enjoy.</p>
Active	<p>3 - best interests of the child 'Children and Young People have the right to' have their interests considered if a decision is being made by any person about them. What is best for them is what matters.</p> <p>23 - children with disabilities 'Children and Young People have the right to' if they have any kind of disability, have special help to make sure they can join in with things.</p> <p>31 - leisure, play and culture 'Children and Young People have the right to' rest, play and have the chance to join a wide range of activities. It is really important to remember to have a balance in their life.</p>
Respected	<p>2 - non-discrimination 'Children and Young People have the right to' have the convention that applies to everyone under the age of 18, no matter who they are, whether they are a boy or a girl, what their religion is, whether they have a disability, or what type of family they come from.</p> <p>3 - best interests of the child 'Children and Young People have the right to' have their interests considered if a decision is being made by any person about them. What is best for them is what matters.</p> <p>4 - Children and Young People have the right to' have their rights are protected and an environment where they can grow up safe</p> <p>5 - parental guidance and a child's evolving capacities 'Children and Young People have the right to' their parents being responsible to guide them through their childhood and help them learn how to use their rights.</p> <p>8 - protection and preservation of identity 'Children and Young People have the right to' know who they are – official records should be kept. If they are over 16 years old and adopted, they can try to find out who they birth parents are.</p> <p>12 - respect for the views of the child 'Children and Young People have the right to' speak up and have their opinions listened to and be taken seriously by adults on things that affect them.</p> <p>13 - freedom of expression 'Children and Young People have the right to' say whatever they believe as long as it does not harm or offend other people. They also have the responsibility to respect the rights and freedom of others.</p>

	<p>14 - freedom of thought, belief and religion 'Children and Young People have the right to' to choose their own religion and beliefs. Their parents should help them think about this.</p> <p>16 - right to privacy 'Children and Young People have the right to' their own space and privacy. For example, they shouldn't have their personal letters opened or anyone listening in to their personal phone calls.</p> <p>17 - access to information; mass media 'Children and Young People have the right to' access information which is important to their wellbeing. Adults should help them find information they are looking for and make sure it's not harmful.</p> <p>18 - parental responsibilities and state assistance 'Children and Young People have the right to' both parents having the main responsibility to bring them up and should always consider what is best for them.</p> <p>30 - the right to learn and use the language, customs and religion of their family 'Children and Young People have the right to' enjoy their own culture, use their own language and practise their own religion.</p>
Responsible	<p>3 - best interests of the child 'Children and Young People have the right to' have their interests considered if a decision is being made by any person about them. What is best for them is what matters.</p> <p>12 - respect for the views of the child 'Children and Young People have the right to' speak up and have their opinions listened to and be taken seriously by adults on things that affect them.</p> <p>14 - freedom of thought, conscience and religion 'Children and Young People have the right to' choose their own religion and beliefs. Their parents should help them think about this.</p> <p>15 - freedom of association 'Children and Young People have the right to' join and form groups and make friends – as long as this does not harm other people.</p> <p>40 - juvenile justice 'Children and Young People have the right to' be given legal assistance if they have committed a crime. The Convention</p>

	<p>also states that they should only be sent to prison if they have committed a serious crime.</p>
<p>Included</p>	<p>3 - best interests of the child 'Children and Young People have the right to' have their interests considered if a decision is being made by any person about them. What is best for them is what matters.</p> <p>6 - life, survival and development 'Children and Young People have the right to' be kept safe from harm, they have the right to be alive, survive and develop through life.</p> <p>18 - parental responsibilities and state assistance 'Children and Young People have the right to' both parents having the main responsibility to bring them up and should always consider what is best for them.</p> <p>23 - children with disabilities 'Children and Young People have the right to' if they have any kind of disability, have special help to make sure they can join in with things.</p> <p>26 - social security 'Children and Young People have the right to' help and financial support from the Government if they need it.</p> <p>27 - adequate standard of living 'Children and Young People have the right to' a safe place to live, food, clothing and to take part in things they enjoy.</p>