# North Ayrshire Council 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: Directorate**: Communities & Education

**Section**: Education

### 1.2 Name of Policy or Practice being assessed:

Education turnover applied to non-teaching staff budgets to recognise the standard pattern of activity.

Please indicate if it is:

New: ☐ Existing: ☐ Budget Proposal: ☒

**Budget Reference Number (if applicable):** SP/COM/24/22

Amount of saving if appropriate (£): £500,000

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

Alison Mair and Lynn Taylor

### 1.4 Manager responsible for impact assessment:

Name: Andrew McClelland Designation: Head of Service

### 1.5 Timetable:

Date Assessment started: 05/02/2024 Interim Review Date: 05/02/2024

Section 2: Aims & Relevance

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

Employee turnover and vacancy management will be used to:

1) Increase the existing teacher salary turnover from £950k to £1.1m, with the additional £150k put forward on a non-recurring basis. 2) Introduce an employee turnover target for school based Local Government Employees of £600k, with £500k on a recurring basis and £100k on a non-recurring basis.

<ul> <li>2.2 Who (indicate the equality groups is affected by the policy or practexternal service user?  None</li> <li>2.3 Are there any children's rights (based on the Articles of the UNCRC-impacted on through the proposal? (for further information please reachildren's Rights Toolkit)  Yes - □ Please also complete the CRIA questions in Appendix.  No - ☑ Please complete this form only.  Questions 2.4 - 2.6 refer to the 'Three Key Needs' of the Equality 2.4 Which aspects of the policy eliminate unlawful discrimination, hard victimisation?  None  2.5 Which aspects of the policy advance equality of opportunity between a relevant protected characteristic and those who do not?  None  2.6 Which aspects of the policy foster good relations between people of the characteristic and those who do not? (Does it tackle prejudice understanding of equality issues).  None  2.7 Have any cross-cutting impacts been identified from other Councer.</li> </ul>	- Appendix 2) <b>that are</b> fer to the Equality and
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characteristic and those who do not? (Does it tackle prejudice understanding of equality issues).  None	
	<u>-</u>
2.7 Have any cross-cutting impacts been identified from other Counc	
Agencies (multiple discrimination or accumulated effects of multiple procharacteristic group)?	
None	
2.8 If Crosscutting issues identified with other Services, what discutaken place to mitigate any potential negative impacts of accumula	
N/A	• •

Section 3: Collecting Information

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

### **Potential sources of Evidence:**

The policy relates to a budget turnover and does not have any impact on protected groups.

### Source(s) of Evidence used for this assessment:

Financial Information related to year on year turnover.

3.2 Are there any gaps in your evidence?

None.

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
<b>Age</b> - Older people, children and young people – please identify which categories will be affected		$\boxtimes$	
<b>Disability</b> - Physical and Learning			
Gender reassignment - Where a person is living as the opposite gender to their birth		×	
Pregnancy and Maternity		$\boxtimes$	
Race, ethnicity, colour, nationality or national origins - (including gypsy/ travellers, refugees and asylum seekers		×	
Religion or belief - Includes religious and philosophical beliefs, including no belief		×	
Sex - Women and Men			
Sexual Orientation - Lesbian, gay and bisexual people		×	
Marriage and Civil Partnership - marriage between same sex couples is included		$\boxtimes$	
Care Experienced - This term refers to anyone who is currently in care or has been for any length of time regardless of their age, and includes Kinship Care (other family members); Looked After At Home (with support from social work); Residential Care; Foster Care; Secure Care; Adoption.			
Other - Poverty, homelessness, ex-offenders, isolated rural			

Protected Characteristic	Yes	No	Please Explain (Positive or Negative
communities, carers, part-time workers, or people in a marriage/civil partnership			

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.

None

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:

Low Income/Income Poverty: Cannot afford to maintain regular payments such as bills, food and clothing

No Impact.

**Low/and or no wealth:** Having enough money to meet basic living costs and pay bills but have no savings to pay for any unexpected spends and no provision for the future.

No Impact.

**Material Deprivation:** Being unable to access basic goods and services, i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies

No Impact.

Area Deprivation: Where you live (rural areas), where you work (accessibility of transport.

No Impact.

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

N/A.

### 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.

### Section 5: Assessment

5.1	Is there any evidence	e that the policy:		
•	may result in less far may give rise to dire may give rise to unla	ct or indirect discri		
	Yes: □	No: ⊠	No evidence: □	
	If yes, give details:			
	N/A			
5.2	If you have identified modify this?	d a negative impac	et for any protected characteristic, how will ye	ou
	N/A			
5.3	Is the policy or prac remove or minimise	-	romote equality by permitting positive action	to
	Yes: □	No: ⊠		
	If Yes, please give de	etails:		
	N/A			
5.4	Will the policy lead to (please explain):	o positive outcome	s for people based on a protected characteristic	с?
	N/A			
	Section 6: Consultati	ion & Recommenda	ations	
6.1	Describe the consu groups involved and		with equality groups, including details of the	he
	N/A			
	Section 7: Outcome	of Assessment		
	Please ensure childre section	en's rights have bee	en considered (appendix 1) before completing the	าis
7.1	Please detail the out	come of the assess	sment by choosing an option below:	

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.

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. $\Box$
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. $\Box$
4.	Stop and remove the policy: the policy shows actual or potential unlawful discrimination. It must be removed or changed $\;\Box$
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
	N/A
7.3	Please state the key issues and recommendations arising from the Children's Rights Impact Assessment (if applicable)?
	N/A
7.4	If Outcome 3 is chosen from section 7.1 above, please outline the justifications for continuing the policy/procedure.
	N/A
	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.
	The turnover rates and targets are reviewed on an annual basis at relevant financial planning meetings.

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

The financial monitoring will be encompassed within Education and Corporate Financial monitoring procedures.

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

The next review of the policy will be prior to the next budget setting procedure but there will be regular reviews as part of Finance and Education budget monitoring meetings.

### 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: Andrew McClelland

Title: Head of Service

Date: 07/02/2024

Section 9: Publication

# 9.1 All Equality Impact Assessments must be published on the Council website. Please forward to Andrew Hale (andrewhale@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)

Equality and Human Rights Website

Children's Rights:

- Childrens and Young People Commissioner Scotland website
- Scottish Government Website Children's Rights

#### Appendix 1

When considering the Children's Right's 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?

Click or tap here to enter text

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:

Click or tap here to enter text

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)
Click or tap here to enter text.	Click or tap here to enter text.

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

	Positive (Explain)	Negative (Explain)
Wellbeing Indicators/	Click or tap here to enter	Click or tap here to enter text.
Children's Rights -	text.	
	Positive (Explain)	Negative (Explain)
Other Protected	Click or tap here to enter	Click or tap here to enter text.
Characteristics	text.	

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

Click or tap here to enter text

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

Click or tap here to enter text

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)

Click or tap here to enter text

### Appendix 2

### **Wellbeing Indicators (GIRFEC)**

Wellbeing Indicator	Short Description of the indicator
Safe	Protected from abuse, neglect and harm
Healthy	<ul> <li>Having the best possible standards of physical and mental health; support to make healthy, safe choices</li> </ul>
Achieving	Accomplishing goals and thereby boosting skills, confidence and self- esteem; 'being all they can be'.
Nurtured	Having a loving and stimulating place to live and grow
Active	Having opportunities to take part in a wide range of activities
Respected	Being enabled to understand their world, being given a voice, being listened to, and being involved in the decisions that affect their wellbeing.
Responsible	Taking an active role within their home, school and community.
Included	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	11: abduction and non-return of children
Jaie	'Children and Young People have the right to' be protected from being
	kidnapped or taken out of the country when they shouldn't be.
	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.
	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.
	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
	33: drug abuse
	'Children and Young People have the right to' be protected from dangerous
	drugs.
	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.
	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.
	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.
	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.
	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.
Healthy	3 – best interests of the child
<b>,</b>	'Children and Young People have the right to' have their interests considered
	is what matters.
	6 – life, survival and development
	if a decision is being made by any person about them. What is best for them
	6 – life, survival and development

Wellbeing Indicator	Articles of the UNCRC (Rights of the Child)
	'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.
	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.
	<b>39 - recovery and rehabilitation of child victims</b> 'Children and Young People have the right to' special support to help them recover if they have been hurt or badly treated.

NA/ - IIII '	Articles of the UNIONO (Pirot to of the OUT)
Wellbeing Indicator	Articles of the UNCRC (Rights of the Child)
Safe	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.
	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.
	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.
	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
	33 - drug abuse 'Children and Young People have the right to' be protected from dangerous drugs.
	<b>34 - sexual exploitation</b> '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.
	<b>35 - abduction, sale and trafficking</b> '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.
	<b>36 - other forms of exploitation</b> '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.
	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.
	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.

Wellbeing Indicator	Articles of the UNCRC (Rights of the Child)
Healthy	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.
	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.
	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.
	<b>39 - recovery and rehabilitation of child victims</b> 'Children and Young People have the right to' special support to help them recover if they have been hurt or badly treated.
Achieving	4 – implementation of the convention  'Children and Young People have the right to' have their rights are protected and an environment where they can grow up safe.
	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.
	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.
	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.

Wellbeing Indicator	Articles of the UNCRC (Rights of the Child)
Nurtured	4 – implementation of the convention Children and Young People have the right to' have their rights are protected and
	an environment where they can grow up safe
	<b>5 - parental guidance and a child's evolving capacities</b> '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.
	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.
	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.
	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.
	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.
	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.
Active	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.
	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.
	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.

### Respected

### 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.

### 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.

### 4 – implementation of the convention

Children and Young People have the right to' have their rights are protected and an environment where they can grow up safe

### 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.

### 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.

### 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.

### 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.

### 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.

### 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.

### 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.

### 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.

## 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.

Wellbeing Indicator	Articles of the UNCRC (Rights of the Child)
Responsible	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.
	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.
	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.
	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.
	40 - juvenile justice 'Children and Young People have the right to' be given legal assistance if they have committed a crime. The Convention also states that they should only be sent to prison if they have committed a serious crime.
Included	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.
	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.
	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.
	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.
	26 - social security 'Children and Young People have the right to' help and financial support from the Government if they need it.
	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.