

Equality, Fairness and Rights Impact Assessment (EFRIA)

The Equality, Fairness and Rights Impact Assessment (EFRIA) is one of our specific duties to [assess the impact](#) of applying a new or revised policy or practice against the needs of the General Equality Duty. This means East Renfrewshire Council must be mindful when assessing impact against these needs to:

- ensure the policy does not discriminate unlawfully
- consider how the policy might better advance equality of opportunity
- consider whether the policy will affect good relations between different groups

The Fairer Scotland Duty places a legal responsibility on particular public bodies in Scotland to actively consider ('pay due regard' to) how they can reduce inequalities of outcome caused by socioeconomic disadvantage, when making strategic decisions. The UN Convention of the Rights of the Child (UNCRC) is an international human rights treaty which sets out the rights every child has and has been incorporated into Scottish Law as the [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024](#).

The Equality, Fairness and Rights Impact assessment considers how a policy* could impact on the needs of individuals protected by the [Public Sector Equality Duty](#), [the Fairer Scotland Duty](#) and the [UN Convention of the Rights of the Child](#).

Please consult the [EFRIA guidance flowchart](#) to help you complete this assessment.

Name of policy*:	IMS Out of School Care Provision
Description of policy:	Following a budget decision to remove OSC in IMS, there is a proposal to establish a formal out of school care provision for 20 IMS pupils with an associated cost of £22.50 per session.
Why is the policy required?	The council has been unable to source a private provider so is now looking to establish a council run service.
Date EFIRA completed:	24/10/2024
Completed by:	Siobhan McColgan
Lead officer for policy:	Siobhan McColgan
Department:	Education

*The term 'policy' covers any work or function of East Renfrewshire Council i.e. customer and service delivery, staffing, criteria, practices, proposals, activities and decision-making

Guidance – please read

Section 1

This section enables you to determine if a full assessment is required. If a full assessment is not required, this must be clearly stated in **Section 9** of the form.

Section **2-8** is the full assessment covering the sections listed below:

2	Engagement and Consultation Give details of how different groups have been consulted about the policy.
3	Impact on individuals or groups with protected characteristics How will the policy impact individuals or groups who fall under one of the nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation?
4	Impact on socio-economic disadvantage How will the policy impact individuals or groups disadvantaged by poverty, low income, homelessness or lack of or low-level educational qualifications?
5	Impact on Children and Young People How will the policy impact on the rights and needs of children and young people?
6	Contractors and suppliers Will the policy be delivered by any contractors or suppliers in full or partially?
7	Outcome of assessment and action plan What is your decision based on the assessment and are there any mitigations or actions that need to be addressed?

8	Approval Details of when and who approved the policy.
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Section 9 should only be completed where the screening shows no assessment is required

When completing the assessment you must consider relevant evidence, including information received from equality groups. This evidence should inform the result of your impact assessment. You're required to take action to address any issues identified, such as removing or mitigating any negative impacts, where possible, and enhancing any potential for positive impact. If any adverse impact could result in unlawful discrimination, the policy must be fully reviewed and amended.

All impact assessments will be published on the Council website

1. Screening

This section should be completed to establish if a full assessment is required.

1.1 What is the nature of the work or activity?	
Select a category from below that explains the work or activity you are doing.	
<input type="checkbox"/> Policy or Strategy <input type="checkbox"/> Programme or Plan <input type="checkbox"/> Project delivery <input checked="" type="checkbox"/> Service or Function <input type="checkbox"/> Budget proposal <input type="checkbox"/> Other please state: Click or tap here to enter text.	Is this work or activity... <input checked="" type="checkbox"/> New <input type="checkbox"/> Change or review of existing <input type="checkbox"/> Other- Please state: Click or tap here to enter text.
1.2 What will happen as a result of this policy?	
What changes will come about for individuals and groups through this policy?- Select all that apply	

- Change to Council, Trust or HSCP charging arrangements (including introduction, removal, increase or decrease)
- Change to how a service is delivered (including addition, change or removal of practices/procedures/processes)
- x Change to provision of services or staffing
- Change to entitlement or eligibility for service delivery or welfare/benefit access
- Other. Please state: [Click or tap here to enter text.](#)

1.3 What groups of individuals are likely to be impacted by this policy?

Select which groups of individuals are likely to be impacted positively or negatively if this policy is implemented.

- x The policy has potential to impact **individuals with protected characteristics***
- x The policy has potential to impact **socioeconomic disadvantage** for individuals**
- x The policy has potential to impact **children and young people up to the age of 18**
- The policy has no impact on those specified above.

***Protected Characteristics** are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

****Socio-economic disadvantage** is where an individual is disadvantaged by poverty, low income, homelessness or lack of or low-level educational qualifications

1.4 Is there any potential indication or evidence that the policy will discriminate unlawfully; affect equality of opportunity for different groups or affect good relations between different groups?

Will any individuals be treated less fairly than others if this policy is implemented? This includes employees, residents, community groups and visitors to the area.

- Yes
- x No
- Don't Know

Review your answers above.

- If the policy has **no impact on individuals**, and you have selected 'no' to section 1.3, an impact assessment is not required. **GO TO SECTION 9**

- If the policy will have an impact on individuals and/or you have selected 'yes or don't know' to section 1.3, complete the full assessment. **GO TO SECTION 2**

2. Engagement and Consultation

This section will assess how the policy is being communicated to certain groups and how you have consulted them.

2.1 How have individuals (incl. children & young people) who might be affected by the policy been consulted or involved?

This can include a summary of findings from recent consultations, surveys, user research or customer testing that has been carried out. Include dates and information.

HT IMS consulted with parents 2021

Public consultation 23 January 2023 to the 17 February 2023, which was open to parents/carers, child friendly ASN adapted survey carried out with children and young people attending IMS and CCC.

Public consultation October/Nov 24

Parent involvement in working group

2.2 How will you communicate information about this policy to individuals who have: hearing and/or sight loss; English as an additional language; are digitally excluded; have literacy/numeracy barriers?

Think about how you will communicate information about the policy to the above individuals. This may include printed materials being accessible in other formats, e.g. Braille, easy to read, translated in other languages. More information can be found [here](#).

Staff in IMS will support the communication of this change. Parents are on working group and feedback key information to the parent body as does the Head Teacher.

3. Impact on groups with protected characteristics

This section will assess if the policy has potential to impact individuals with protected characteristics. You should consider any evidence or information you have on how it will affect different groups of individuals, both positively and negatively.

Below is a suggested list of sources:

- Input from local Councillors
- Findings from engagement exercise and consultations.
- Information or feedback from groups of individuals, such as equality interest organisations or groups who speak on behalf of others
- National, regional or local statistics
- Analysis of enquiries or complaints from customers
- Recommendations from inspections or audits
- National or regional research to identify similar issues
- Comparisons with similar policies in other departments or authorities to identify similar issues

You may want to consider collecting new evidence that you don't have but think will be relevant. For example: setting up meetings or focus groups, carrying out user research.

Please find other sources of evidence on page 9 of the [EFRIA guidance flowchart](#).

3.1 Use the table below to consider how the policy may impact on a particular group with protected characteristics through reviewing the evidence, experience and needs of this group

Characteristics/circumstances	Evidence, experience and needs- outline any data or research that shows how this group may be impacted (include sources)	Will the impact on this group be positive, neutral or negative and why?
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Age	N/A	N/A
Disability or long term health condition	There is currently not a formal sustainable provision which caters for out of school care (OSC)for children and young people with ASN. Parents/carers indicate that this impacts on their employment opportunities if they do not have a support network who can help with childcare.	Positive – through establishing a council led OSC, children with disabilities will be supported within a specialist provision that meets their needs.
Race	N/A	N/A
Sex	N/A	N/A
Gender reassignment	N/A	N/A
Marriage/Civil Partnership (only applicable to Council employment policy)	N/A	N/A

Pregnancy / Maternity	N/A	N/A
Religion / Belief	N/A	N/A
Sexual orientation	N/A	N/A
Providing unpaid care	N/A	N/A
Any other relevant groups e.g. unemployed people, people experiencing homelessness, care leavers, people involved in the criminal justice system, people with literacy/numeracy barriers, people living in rural communities.		

3.2 Are there known inequalities within the policy?

For example: barriers to transport for some groups; opening hours and location, organisational pay, terms or conditions; how public information is provided?

Should a specialist provision be established, children will be able to access this thus supporting working parents. Parents will be responsible for taking children home at the end of the OSC.

If no alternative provision is sourced, transport will be accessed as usual.

3.3 In what ways, if any, would this policy contribute to discrimination or help to eliminate it?

Discrimination means treating individuals differently from others. For example, not recruiting someone as they are deemed too old/young; or a support group running on an upper floor with no lift access will discriminate against people with mobility issues or wheelchair users

The OSC would be staffed by personnel who are trained in administering the various medical requirements needed. There will be an increased staffing ratio to take account of the complex needs. Due to this additional staffing requirement, the cost to run the service is higher than non ASN provisions. Additional funding has been allocated to mitigate this.

Whilst not all schools in ERC are supported by an OSC provision and there is no legislative requirement to provide OSC, this service will support IMS parents to continue to access work.

3.4 In what ways, if any, would this policy advance or undermine equality of opportunity?

This is when individuals from different backgrounds are treated fairly through providing an equal footing or level playfield to achieve outcomes. For example, children who have additional support needs are provided with teaching support to fully participate in the school curriculum or a deaf BSL user is provided with a BSL interpreter at health appointments.

This service means that children from IMS will have equal access to an OSC provision. The places are limited to 20 places however and there may be more than 20 families who wish to access this service. The council will work with IMS parents to identify a fair and consistent selection criteria.

3.5 In what ways, if any, would this policy foster or undermine good relations between groups of individuals?

Consider aspects that may tackle prejudice or promote understanding between different groups. For example, ensuring new arrivals and refugees are given supports to integrate within local communities or an LGBTQI+ youth group provide training on LGBTQI+ experiences to a local faith group.

Parents/Carers at IMS have indicated that their preference is for an OSC service run within the school building by IMS staff. The proposed model would support this and there is support from parents and carers.

4. Impact on socio-economic disadvantage

This section will assess how the policy may impact socio-economic disadvantage for individuals.

Socio-economic disadvantage is where an individual is disadvantaged by poverty, low income, homelessness or lack of or low-level educational qualifications. Socio-economic disadvantage can be experienced in both geographical communities and communities of interest i.e. a group that share a common characteristic or circumstance. In East Renfrewshire there are a number of communities, known as locality planning areas, where people are at greater risk of experiencing socio-economic disadvantage including,

- Barrhead – Dunterlie, East Arthurlie and Dovecothall
- Auchenback
- Neilston
- Thornliebank

Consider the policy itself and the way it will be implemented. How will this deliver different experiences for individuals in East Renfrewshire?

4.1 In the section below consider how the policy may impact socio-economic disadvantage through reviewing the evidence, experience and needs of this group

Characteristics/circumstances	Evidence, experience and needs- outline any data or research that shows how this group may be impacted (include sources)	Will the impact on this group be positive, neutral or negative and why?
Socio-economic	Families need accessible childcare to attend work; lower paid jobs typically offer less flexibility; there is correlation between ASN and social deprivation.	<p>Negative - Families may experience further socioeconomic disadvantage without access to childcare on site. Cost of childcare for children with complex needs is more expensive.</p> <p>Positive – additional funding allocated to mitigate against costs</p>

4.2 Consider the impact outline in section 4.1, In what way would the policy alleviate or increase inequalities in socio-economic disadvantage?

Consider common inequalities such as poorer skills and attainment; lower paid and less secure work; greater chance of being a victim of crime; less chance of being treated with dignity and respect; lower healthy life expectancy; lower feeling of control over decisions that affect you.

IMS pupils reside in all areas of ERC, some of the pupils will live in areas of social disadvantage. The cost of OSC may be prohibitive to some families.

Currently parents of children in CCC and Carolside CSS do not have access to childcare which they deem appropriate for their children. In addition to setting up an OSC in IMS, we will work with private providers to support inclusive practice and funding to increase rations within their childcare provision, this will increase OSC provision enabling parents to access work.

4.3 What opportunities are there within this policy and the way it will be implemented to promote inclusion, participation, dignity and empowerment of people experiencing socio-economic disadvantage?

For example, a new health centre is being built and considers affordability of public transport options for residents.

Additional funding identified to mitigate against additional cost.

Additional supports are in place such as increased tax child credits for children with disabilities and disability living allowance should support with costs.

4.4 Is there anything in particular that will be done to address the multiple inequalities experienced by some people in Auchenback, Barrhead, Neilston and Thornliebank?

As above

5. Impact on Children and Young People

This section must be completed if any potential impact on children and young individuals up to the age of 18 have been identified in sections 1-4.

United Nations Convention on the Rights of the Child (Scotland) Act 2024 places a legal duty on public authorities to respect and protect children's rights in the work they do.

There are a range of elements that the Council must consider in supporting these rights including:

- Ensuring that children and young people have a voice in decisions that affect them – both directly and indirectly;
- Undertaking assessments of how well the Council is protecting children, including children's rights and wellbeing impact assessments and considering how budget planning supports better outcomes for children and young people

5.1 Are there known impacts on children and young people within the subject matter of the policy?

For example, changes to out-of-school services, employment support for parents, play parks.

Yes – if an alternative provision is established it will increase access to OSC provision for children with complex additional support needs. If no alternative is sourced, a small number of children and young people will no longer have access to OSC.

If there is no impact on children and young people GO TO SECTION 6

5.2 In the section below outline the UN Convention on the Rights of the Child (UNCRC) General principle that is relevant, the particular groups of children that will be affected and how this will impact them

Which [General Principles of UNCRC](#) are relevant to this policy/measure?

Tick all that apply

Which particular groups of children and young people are affected by this policy?

(e.g. young children, children with disabilities, children living in poverty, children in care, young people who offend).

<p>Article 2 Non-discrimination Children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).</p>	<input type="checkbox"/>	<p>Whilst there is not a legal requirement to provide an out of school care provision and there is not a breach of children’s rights through not attending an OSC, establishing one will bring children with complex additional support needs in line with their peers who do not have an ASN.</p>
<p>Article 3 Best interests of the child Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.</p>	<input type="checkbox"/>	
<p>Article 6 Life, survival and development Every child has a right to life and to develop to their full potential.</p>	<input type="checkbox"/>	
<p>Article 12 Respect for the views of the child Every child has a right to express their views and have them given due weight in accordance with their age and maturity. This includes involving children in budget decisions that affect them. Children should be provided with the opportunity to</p>	<input type="checkbox"/>	

be heard, either directly or through a representative or appropriate body.		
<p>Which additional articles are relevant to this policy/measure? List all that apply</p>		

In relation to the articles identified above, explain how the impact will be positive, negative or neutral.

Relevant identified Article of UNCRC	Impact category (Positive/Negative/Neutral)	Assessment of impact (including consideration of whether the policy might impact different groups of children and young people in any other way).
Non Discrimination	Positive	Children will have equal access Working parents will be supported

5.3 What opportunities are there within this policy to advance or undermine the rights of children and young people?

Explain how the policy can strengthen or weaken the rights of children and young individuals

The service will support working parents which will have a positive impact in terms of basic needs related to shelter/food etc. It will provide equal opportunity of access to childcare.

5.4 What opportunities are there within this policy to protect and promote the wellbeing of children and young people?

For example promoting physical activity and healthy eating.

Specialist OSC will offer support, care and experiences to meet the needs of those who attend.

6. Contractors and suppliers

6.1 Will the policy be carried out by contractors or suppliers?

This includes fully or partially. If yes, how will you incorporate equality expectations into the contract?

No

7. Outcome of assessment and action plan

You have completed sections 1-6 above and assessed the impact of the policy on individuals with protected characteristics, those experiencing socio-economic disadvantage and children and young people. The following section outlines your decision based on this assessment, mitigations and actions that can be taken to reduce any negative impacts.

7.1 Having assessed the impact of the policy under sections 3,4 and 5 select the most appropriate outcome

Which option below best describes your next steps?

Continue the policy as is - this is the 3rd iteration of this policy and impact assessment and has been adapted due to ongoing needs.

Adjust the policy

Stop the policy

7.2 Are there any significant and relevant information gaps that have not been filled during the development of this policy and how do you plan to address these during the life of the policy?

No

7.3 Briefly summarise how your evidence and assessment demonstrates any potential impacts, both positive and negative, on groups with protected characteristics from this policy?

This will impact positively has highlighted above

7.4 Briefly summarise how your evidence and assessment demonstrates any potential impact, both positive and negative, on individuals and communities experiencing socio-economic disadvantage from this policy?

As above

7.5 Briefly summarise how your evidence and assessment demonstrates any potential impacts, both positive and negative, on the rights of children and young people from this policy?

As above

7.6 How long will this policy be in place and when is it scheduled for review?

Is this a temporary or permanent change and are there plans to review the policy?

This is a permanent change

7.7 Based on the findings from this impact assessment, outline any mitigating actions that will reduce the impact caused by the policy on individuals, including children and young people. The actions should also outline the communication and implementation of the policy.

Identified adverse impact	Mitigating actions	Timeline	Responsible person
Cost	Additional funding to support reduction in cost	Ongoing	SMcColgan
No of places	Fair and consistent selection process created in conjunction with IMS parents	April 24	SMcColgan

8. Approval

If the full impact assessment has been completed, complete below.

Name of policy:	IMS OSC
Date approved:	24/10/2024
Approved by: (Head of Service/Director level)	S McColgan
Department:	Education

9. No assessment required

If the screening has indicated a full assessment is not required, complete below.

Policy/Decision Title	
Department/ Service	
Responsible officer for taking decision	

Rationale for decision	Please record why an assessment is not required and what your justification is for making that decision. This must include confirmation that the policy has no relevance for people with protected characteristics or impact on human rights or socio-economic inequalities.
<p>Declaration: I confirm the decision <u>not</u> to carry out an Equality, Fairness and Rights Impact Assessment has been authorised by:</p> <p>Name and Job Title:</p> <p>Date Authorisation given:</p>	

Version Control

Date of change	Amendment	Owner
Feb 2021	First publication	C Coburn
June 2023	Introduction and Guidance sections added and formatting changes throughout	C Coburn
Feb 2024	Updating UNCRC section following legislative change	J Breslin
October 2024	Refinements after reviewing	M McIntyre