

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Bram Kainth, Strategic Director of the Environment

Date: 04/04/2023

Subject: A Community Garden for Frank Banfield Park

Report of: Steve Hollingworth, Assistant Director Leisure, Sport & Culture

Report author: Hugo Ross-Tatam, Parks Project Officer

SUMMARY

This report requests approval of a Procurement Strategy for a contractor to deliver landscape works to improve Frank Banfield Park, including the creation of a community garden. The works will be wholly funded using secured S106 monies.

This project will contribute to Council priorities and aspirations, including becoming the country's greenest borough and 'doing things with residents not to them'.

RECOMMENDATIONS

That the Strategic Director of the Environment, in consultation with the Cabinet Member for Public Realm:

1. Notes that Appendix 1 not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
2. Approves the Business Case & Procurement Strategy for a contractor to complete works at Frank Banfield Park as set out in the detailed analysis section of the report.

Wards Affected: Hammersmith Broadway

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	Working with the community to create a new community garden will improve the quality of the space and provide learning opportunities.
Creating a compassionate council	Creating access to a new community hub and garden and opportunities for management of the new space.
Doing things with local residents, not to them	Officers will continue to consult with Friends groups, residents and stakeholders to build community cohesion in the development of this new space.

Being ruthlessly financially efficient	Contracts will be awarded to the most economically advantageous tender through an open tender on the Council's Capital E-sourcing Portal. Ongoing maintenance will be incorporated into the existing Grounds Maintenance contract and through community involvement and ownership.
Taking pride in H&F	A new community garden will dramatically improve the look and feel of Frank Banfield Park.
Rising to the challenge of the climate and ecological emergency	A new community garden and hub will provide new habitat for fauna and flora and provide learning opportunities for the community. Tree planting will help in negating the impacts of climate change.

Financial Impact

This report requests approval of the procurement strategy only, for which there are no financial implications. The resulting contract award will be the subject of a separate report, including financial implications. For information, secured S.106 funding is available to fund the proposed project at no cost to the Council.

Completed by Kellie Gooch, Head of Finance (Environment), 16 February 2023
 Verified by Sukvinder Kalsi, Director of Finance, 22 February 2023.

Legal Implications

The Council has the power to undertake these works as part of its functions in relation to parks and open spaces under the Open Spaces Act 1906.

The value of these works means that the Public Contracts Regulations 2015 will not be applicable. There are therefore no statutory requirements in relation to the proposed procurement options.

This is a high value contract for the purposes of the Council's Contract Standing Orders. Carrying out an open competition is a compliant procurement process for the purposes of CSO 18. The requirements of the Contract Standing Orders are therefore being met.

This is a key decision under the Council's constitution. The relevant details therefore need to be included within the key decision list on the Council's website.

John Sharland, Senior solicitor (Contracts and procurement)
 Dated 3 February 2023

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Background

1. Hammersmith and Fulham council is committed to providing high quality outdoor space for its resident's and a key aspiration is to become the greenest borough in the country. This project also fits with the Councils values of 'Taking pride in Hammersmith and Fulham' and 'Doing things with residents, not to them', as this is very much a resident-led project.
2. Creating a community garden and improving other amenities, will benefit all park users, including residents and visitors to the area. This area of Fulham has many businesses, and Charing Cross Hospital is nearby. Staff, customers, and visitors will all benefit from making Frank Banfield park a more relaxing and biodiverse space to visit.
3. Twenty of the borough's parks have Green Flag status. Frank Banfield Park obtained a Green Flag for the first time in 2018 and improving the park will contribute to safeguarding this award of excellence in future years.
4. The council is committed to creating spaces for wildlife and a new community garden within the park will increase biodiversity. Creating 'Green corridors' will encourage wildlife throughout the borough, improving the quality of life for all residents.
5. Several schools lie within a short distance of the park, and it is expected that pupils will be offered the opportunity to be involved directly with the maintenance of the community garden and to use this space for learning. Inspiring young people to understand and care for the environment is critical to addressing the challenges we face now and in the future.

Reasons for Decision

1. This project is part of the agreed Parks Capital Programme (project 41) and can be fully funded from available S106 funding (AKA 716).
2. Parks officers have worked with the Friends of Frank Banfield Park since 2016 to agree a brief for improvements and the Friends have been closely involved in the selection of designer for the park. Breeze Landscape Architects Ltd have been appointed and are currently drawing up design and tender documents for the community garden.
3. Both the Friends and the Parks department are keen to move this project into the delivery phase as soon as possible especially as the project has been delayed by a loss of funding in 2020. Approval of this report will allow the project to proceed promptly. We anticipate that tender documents will be ready in Spring 2023, allowing the tender to run over Spring/ Summer and the winning tenderer to be appointed in Autumn. This will allow landscaping work to take place between Summer 2023 and Spring 2024.

4. The procurement of the works will comply with the requirements contained in Contract Standing Orders to seek Contract Assurance Board approval before commencing procurement of a contract in excess of the £100,000 threshold.
5. To achieve best value for the council for the procurement of these works
6. A Privacy Impact Assessment has been completed and is included with this document.

Contract Specifications Summary

7. The works will be let as one contract. The works are expected to be completed within 6 months followed by a 12-month defects liability period for hard landscaping and an establishment period for planting.
8. The works are to procure two shipping containers to be fitted out as the community hub and the garden will include a new planting, seating, plantings and a pond area.

Procurement Route Analysis of Options

9. The following options have been reviewed:

Option 1: Conduct an open tender to undertake a competitive procurement process for the landscape design and works and invite quotes from multiple contractors and improve local resident's satisfaction. This would be carried out through the Capital E-Sourcing portal in line with the Council's Contract Standing Orders, Section D.

Option 2: Use of an existing Framework. The frameworks detailed in the Crown Commercial Services, East Shires Purchasing Organisation and Yorkshire Purchasing Organisation have been reviewed and no applicable framework was identified.

Option 3: Fail to appoint a contractor or do nothing. A commitment has been made to local residents to redesign and open this space for public use. The council will face loss of reputation, from park users and stakeholders if this is not delivered.

10. Overall, the route that best meets the Council's objectives of flexible, rapid delivery that provides value for money is to procure a contractor through an open public procurement process (Option 1).

Market Analysis, Local Economy and Social Value

11. The market for Landscape installation is well developed, with many suitable organisations on CapitalE-sourcing. It is expected that the Council will receive strong tender response to this opportunity. The contract will also be advertised on Contracts Finder.

12. The Friends of Frank Banfield Park intend to be closely involved in the project. Once the community garden has been installed, the 'Friends' will develop a gardening group of local volunteers to help maintain the garden

Risk Assessment and Proposed Mitigations

13. All park projects have a dedicated project manager within the parks team and are overseen by the Senior Parks Manager.
14. Prior to tender, the cost of proposed works will be assessed by a Quantity Surveyor to ensure that they can be procured within the available budget.
15. The procurement strategy has appointed Breeze Landscape Architects Limited to design and contract manage these works on site and assist appointment of a suitably skilled and experienced landscape contractor to deliver the project works.

Timetable

16. Estimated timetable of the competition process through to contract commencing.

Key Decision Entry (Strategy)	21st December 2022
Contracts Assurance Board (Strategy)	1st March 2023
SLT/Cabinet Member/Cabinet Sign off (Strategy)	3rd March 2023
Find a Tender Service Notice	22nd March 2023
Closing date for clarifications	5pm 7th April 2023
Closing date for submissions	5pm 12th April 2023
Evaluation of Tenders	21st April 2023
Key Decision Entry (Award)	28th April 2023
CAB (Award)	31st May 2023
SLT/Cabinet Member (Award)	2nd June 2023
Find a Tender Service Contract Award Notice	23rd June 2023
Contract engrossment	30th June 2023
Contract mobilisation and implementation	7th July 2023
Contract Commencement date	7th July 2023

Selection and Award Criteria

17. Quality proposals (60%) to be based on:

Bidders will be expected to provide information regarding: *programme of works, risk management, method statement and local investment. Social value will be a requirement of this contract and suppliers will be expected to supply 10% of social value to the value of the contract.*

Price proposals (40%) to be based on:

Bidders will be expected to provide a single cost for carrying out the construction works.

- Social Value will be a requirement and expressed as a percentage of the total price.

Contract Management

18. Standards will be defined within the specification and works on site will be administered by Breeze Landscape Architects.

19. This is a six month contract and inflationary uplifts will not be applied.

Equality Implications

20. An Equality and Impact Assessment has been completed.

- A wide range of age groups will benefit from being able to visit and volunteer at the community garden.
- The needs of disabled users will be considered and the garden including the toilet will be accessible.
- The project does not discriminate and will not affect Human rights or children's rights
- By creating a new community garden the project makes a positive contribution to equalities.

Richard Gill Senior Parks Manager, 7 February 2023

Risk Management Implications

21. The report recommends procuring a contractor through an open tender process, which is in line with the objective of being ruthlessly financially efficient. The report identifies risks relating to the procurement and works with appropriate mitigations being proposed.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 13 February 2023

Climate and Ecological Emergency Implications

22. The new community garden expands capacity in the local community to learn about and take part in projects which benefit climate change and biodiversity on site. It also allows them to take that knowledge and apply it to their lives.
23. The new building is mainly recycled materials with a green roof and an ecology wall, there are growing areas and areas of new native planting to increase biodiversity on site.
24. The use of energy, transport and recycling will all be considered and form part of the licence agreement with the Community Garden facilitator. The option of solar panels and potential funding opportunities for energy saving will be explored with the facilitator.
25. The new facility will require some increase in hard surfacing over existing. Previous hard surfaces have already been removed, but porous surfaces and trees and other planting will be used where possible.

Richard Gill Senior Parks Manager, 7 February 2023

Verified by Hinesh Mehta, Head of Climate Change, 7 February 2023

Local Economy and Social Value Implications

26. Paragraph 17 in this strategy commits the procurement will adhere to the council's Social Value Policy and the successful bidder must deliver social value measures to a proxy value of 10% of the price of the contract. In addition, social value proposals should account for 10% of the overall score (16.7% of the Quality score in this case).
27. Paragraph 12 refers to a community project in the park to which bidders may be directed in the ITT when making their social value proposal. It is recommended that the project lead for each contract works closely with LBHF's Social Value Officer and the commissioner to agree and support the delivery of a social value plan soon after the award.
28. It is recommended that the commissioner works closely with Legal Services to ensure appropriate social value clauses are included in the contract, so that the council can enforce its right to remedies if social value commitments are not delivered.

Paul Clarke, Social Value Officer, 1 February 2023

Consultation

29. The Friends of Frank Banfield Park have been closely involved in the formulation of the brief for the improvements and the selection of an appropriate designer. Parks department officers will continue to work with residents throughout the delivery stage of this project.

List of Appendices:

Appendix 1- Exempt Appendix

Appendix 2 - H&F Privacy Impact Assessment

Appendix 3 - Equality Impact Analysis

Appendix 4 - Climate implications toolkit

Appendix 2 H&F Privacy Impact Assessment

H&F Privacy Impact Assessment

Section 1 - Assessment Details

1.1	Title of Project/Programme/Process	Frank Banfield Park Community Garden
1.2	Date of completion of form	12/01/2023
1.3	Name and job title of person completing form	Hugo Ross-Tatam, Parks Projects Officer
1.4	Your telephone number	07387 099 883
1.5	Your directorate	Environment
1.6	Your service area/business unit	Leisure and Parks
1.7	Your team	Parks
1.8	Name and job title of Information Asset Owner(s)	Richard Gill / Steve Hollingsworth

1.9 What is the aim of the project, and what activities are involved?

Guidance Note – 1.9

Make sure you provide:

- a summary of the purpose of the initiative stating clearly what the aim is
- what activities will be involved
- who will be involved (e.g. internal/external suppliers).

A good way of doing this is to think of or map out the end to end spectrum of all activities involved in the process, and say what and who are involved along the whole spectrum

Please also specify if this involves the procurement, commissioning or upgrade of a service or technology, or other change to how we use information.

The more detail that is included in this section, the easier it will be to assess the impacts of the project. Outputs of the project must be clearly identified.

Response:

For this project we are recruiting a suitable consultant to design and contractor to build a community garden in Frank Banfield Park. Once completed the Hammersmith Community Gardens Association (HCGA) will be encouraged to work with the local community on developing the community hub and ongoing maintenance of the new gardens.

The new garden will consist of new plantings and a pond area, along with two shipping containers which are configured into a useable space, store and accessible toilet. The community garden will be fenced off from the rest of the park but will be available to the community.

The project will involve; a landscape designer, a build contractor the HCGA and the local community.

1.10 Initial Screening Questions

#	Question	Yes	No
1	Will the project involve the collection of new information about individuals?		N

2	Will the project compel individuals to provide information about themselves?		N
3	Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?		N
4	Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?		N
5	Does the project involve you using new technology which might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.		N
6	Will the project result in you making decisions or taking action against individuals in ways which can have a significant impact on them?		N
7	Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be particularly private.		N
8	Will the project require you to contact individuals in ways which they may find intrusive?		N

Did you Answer **YES** to any of the above? If so Section 2 **MUST** be completed!

Section 3 – Information Management Review (completed by IMT)

3.1 Comments

Based on the information provided within this DPIA and the completed screening questions (1.10) no personal data (staff or resident) will be processed as part of this activity. Therefore, DP risks are assessed as low. Should the scope of these activities change so that personal data will fall within scope, this DPIA must be revised to reflect that processing, reviewed by the IMT and appropriate mitigations should be adopted before IAO sign off.

IM Comments provided by: Adeyemi Tiamiyu

3.2 Recommended Actions

#	IM Recommended Action	Date Implemented
1	NA	
2	NA	
3	NA	

3.3 Final Agreed Project Risk Rating (Tick relevant box)

Risk level		
Low	1-10 - Project can proceed	✓
Medium	11-15 – Recommend minor actions are required before proceeding	
High	16+ - Recommend significant actions required before proceeding	

3.4 Sign off Level – Recommendation

Guidance Note – 3.4

PIAs should be signed off by the Information Asset Owner (IAO) for the information that will be processed.

The IAO needs to be satisfied with the level of information risk that the service area is taking.

The IAO should be at Director or Head of Service level (the IAO role should only be devolved below that level with Director/Head of Service agreement and we would advise that this delegation is documented as part of the department's processes)

If there is more than one IAO (i.e. information will be used from more than one service area) then if all the information sits within one department the senior officer that has responsibility for the entire department may sign the PIA off.

Where the information that will be processed comes from across the organisation then the SIRO (Senior Information Risk Owner) should sign the PIA. However, they should only do so once the relevant Information Asset Owners have reviewed the PIA and confirmed that they are happy for the SIRO to sign the PIA off (the departments are still responsible for risks to their information).

This PIA must be signed off by:

Tick Box	Level
	Information Asset Owner
	Senior Information Risk Owner

Section 4. Signatories

Guidance Note – 4

If any of the captured mitigations in 2.14 and IM recommended actions in 3.2 will not be implemented then the signatory must capture this here and by signing they confirm they accept the additional risk posed by this.

I am satisfied that this PIA is an accurate summary of the intended processing of personal data, the related risks and the mitigations that will be adopted.

Signature of Information Asset Owner.....

Signature of Senior Information Risk Owner.....

**Print Name and Role of
signatory.....**

Date.....

Appendix 3 – Equality Impact Analysis

Equality Impact Analysis Initial Screening Tool with Guidance

Overview

This Tool has been produced to help you analyse the likelihood of impacts on the protected characteristics – including where people are represented in more than one – with regard to your new or proposed policy, strategy, function, project or activity. It has been updated to reflect the new public sector equality duty and should be used for decisions from 5th April 2011 onwards. It is designed to help you determine whether you may need to do a Full EIA. If you already know that your decision is likely to be of high relevance to equality, and/or be of high public interest, you should contact the Opportunities Manager, as s/he may recommend moving directly to a Full EIA.

General points

1. 'Due regard' means the regard that is appropriate in all the circumstances. In the case of controversial matters such as service closures or reductions, considerable thought will need to be given the equalities aspects.
2. Wherever appropriate, and in all cases likely to be controversial, the outcome of the EIA needs to be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.

Timing, and sources of help

Case law has established that having due regard means analysing the impact, and using this to inform decisions, thus demonstrating a conscious approach and state of mind ([2008] EWHC 3158 (Admin), [here](#)). It has also established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, through to the recommendation for decision. It should demonstrably inform, and be made available when the decision that is

recommended. This tool contains guidance, and you can also access guidance from the EHRC [here](#). If you are analysing the impact of a budgetary decision, you can find EHRC guidance [here](#). Advice and guidance can be accessed from the Opportunities Manager: PEIA@lbf.gov.uk or ext 3430.

**Frank Banfield Community Garden
Initial Screening Equality Impact Analysis Tool**

Section 01	Details of Initial Equality Impact Screening Analysis
Financial Year and Quarter	2022-23 Q4
Name of policy, strategy, function, project, activity, or programme	Parks Capital Programme, Frank Banfield Community Garden installation. Project to be funded by Section 106.
Q1 What are you looking to achieve?	Create a community garden and hub in Frank Banfield Park. The community hub will consist of two shipping containers which will include an accessible toilet. The community garden will be a fenced off area consisting of new herbaceous and tree plantings along with a pond area. Going forward the garden will be managed by the Friends of Frank Banfield Park with support from the Hammersmith Community Gardens Association.
Q2 Who in the main will benefit?	<p><i>Analyse the impact of the policy on the protected characteristics (including where people / groups may be in more than one protected characteristic). You should use this to determine whether the policy will have a positive/neutral/negative impact and whether it is of low/medium/high relevance to equality.</i></p> <p><i>You should also use this section when your policy may not be relevant to one or more protected characteristics. If this applies, case law has established that you must give your reasoning. It is not sufficient to state 'N/A' without saying why.</i></p> <p>Information: protected characteristics and PSED <i>The public sector equality duty (PSED) states that in the exercise of our functions, we must have due regard to the need to:</i></p> <ul style="list-style-type: none"> ▪ <i>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act;</i> ▪ <i>Advance equality of opportunity between people who share a protected characteristic and those who do not; and</i> ▪ <i>Foster good relations between people who share a protected characteristic and those who do not.</i> <p><i>Having due regard for advancing equality involves:</i></p> <ul style="list-style-type: none"> ▪ <i>Removing or minimising disadvantages suffered by people due to their protected characteristics;</i> ▪ <i>Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and</i> ▪ <i>Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low</i>

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

The project will create a new community garden and hub for the local community to enjoy.

Age	A wide range of age groups will benefit from being able to visit and volunteer at the community garden.	Y	
Disability	The needs of disabled users will be considered from the outset. The community garden and hub will be accessible and the project will include an accessible toilet.	Y	
Gender reassignment	The project does not discriminate based on gender. The park is a public open space that anyone has the right to use.	Y	
Marriage and Civil Partnership	The project does not discriminate based on marriage/civil partnership. The park is a public open space that anyone has the right to use.	Y	
Pregnancy and maternity	The project does not discriminate based on pregnancy or maternity. The park is a public open space that anyone has the right to use.	Y	

	Race	The project does not discriminate based on race. The park is a public open space that anyone has the right to use.	Y	
	Religion/belief (including non-belief)	The project does not discriminate based on any religion or belief or alter current provisions. The park is a public open space that anyone has the right to use.	Y	
	Sex	The project does not discriminate based on sex. The park is a public open space that anyone has the right to use.	Y	
	Sexual Orientation	The project does not discriminate based on sexual orientation. The park is a public open space that anyone has the right to use.	Y	
<p>Human Rights and Children's Rights</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998? No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)? No</p>				
<p>Q3 Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>Yes: by creating a new community hub and garden this project will aspire to bringing the community together, improving cohesion. The garden will be accessible and provide an accessible toilet to benefit users of the garden. It does not discriminate against any of the other protected characteristics and will make a positive contribution to equalities.</p>			

Q4 Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity, and/or adversely impact human rights?	No
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Initial Screening Equality Impact Analysis Guidance

Section 02	Details of Initial Equalities Impact Screening Analysis
Name of policy, strategy, function, project, activity, or programme	<p>A Policy refers to an approved decision, principle plan or a set of procedures by Cabinet, or a Cabinet Member under delegated powers that affects the way that the Council conducts its business both internally and externally. A policy can include: strategies, guides, manuals and common practice.</p> <p>A Strategy refers to a systematic short term or a long term plan of action that is designed to achieve a specific business benefit or goal(s).</p> <p>A Function refers to any actions and/or activities designed to achieve a specific business benefit or goal.</p> <p>A Project defines how a temporary structure or scheme can achieve a specific business benefit or goal(s). A project can be implemented by setting up aims and objectives, resources, communication, budget needs and timelines.</p> <p>An Activity is a specific task (or a groups of tasks) which can also form as part of a 'function'.</p> <p>A Programme is a portfolio of activities and projects that are co-ordinated and managed as a unit such that they realise common outcomes and benefits.</p>

<p>Q1 What are you looking to achieve?</p>	<p>For example this might help to implement outcomes identified in policies such as the Single Equality Scheme, Disability Equality Scheme, other EIAs in your service department, or in another department that your service/service users also interact with and draw down services from, Corporate Plan, LAA Targets, CAA Aims, UDP, or JSNA.</p>
<p>Q2 Who in the main will benefit?</p>	<p>Hereafter, 'policy' means policy, strategy, function, project, activity, or programme</p> <p>Disability Service providers also have an anticipatory duty to make reasonable adjustments for disabled people. These two duties frequently overlap and it is sensible to consider them together. For example, can you:</p> <ul style="list-style-type: none"> ▪ Provide accessible communications? ▪ Change how you collate and use data? ▪ Revise how you involve service users? <p>Analyse the impact of the policy on the protected characteristics with due regard to the Public Sector Equality Duty.</p> <p>Use your reasoning in order to determine whether the policy will be of high, medium or low relevance to the protected characteristics. What do we mean by these terms?:</p> <p>High</p> <ul style="list-style-type: none"> ▪ The policy, strategy, function, project, activity, or programme is relevant to all or most parts of the general duty, and/or to human rights ▪ There is substantial or a fair amount of evidence that some groups are (or could be) differently affected by it ▪ There is substantial or a fair amount of public concern about it <p>Medium</p> <ul style="list-style-type: none"> ▪ The policy, strategy, function, project, activity, or programme is relevant to most parts of the general duty, and/or to human rights ▪ There is some evidence that some groups are (or could be) differently affected by it ▪ There is some public concern about it <p>Low</p> <ul style="list-style-type: none"> ▪ The policy, strategy, function, project, activity, or programme is not generally relevant to most parts of the general duty, and/or to human rights ▪ There is little evidence that some groups are (or could be) differently affected by it ▪ There is little public concern about it <p>Use your reasoning to determine whether the impact will be positive, neutral, or negative. There are three possible outcomes:</p> <ul style="list-style-type: none"> ▪ Positive: The EIA shows the policy is not likely to result in adverse impact for any protected characteristic and does advance equality of opportunity, and/or fulfils PSED in another way ▪ Neutral: The EIA shows the policy, strategy, function, project or activity is not likely to result in adverse impact for any protected characteristic and does not advance equality of opportunity, and/or fulfils PSED in another way

- **Negative:** The EIA shows the policy, strategy, function, project or activity is likely to have an adverse impact on a particular protected characteristic(s) and potentially does not fulfil PSED, or the negative impact will be mitigated through another means.

Should your policy not be applicable, you must note this and state why.

Human Rights, Children's Rights

Additionally, demonstrate here that the impact on **Human and/or Children's Rights** arising from the policy has been considered.

Human Rights

Public authorities have an obligation to act in accordance with the European Convention on Human Rights. These are:

- Article 2: [Right to life](#)
- Article 3: [Freedom from torture and inhuman or degrading treatment](#)
- Article 4: [Right to liberty and security](#)
- Article 5: [Freedom from slavery and forced labour](#)
- Article 6: [Right to a fair trial](#)
- Article 7: [No punishment without law](#)
- Article 8: [Respect for your private and family life, home and correspondence](#)
- Article 9: [Freedom of thought, belief and religion](#)
- Article 10: [Freedom of expression](#)
- Article 11: [Freedom of assembly and association](#)
- Article 12: [Right to marry and start a family](#)
- Article 14: [Protection from discrimination in respect of these these rights and freedoms](#)
- Article 1 of Protocol 1: [Right to peaceful enjoyment of your property](#)
- Article 2 of Protocol 1: [Right to education](#)
- Article 3 of Protocol 1: [Right to participate in free elections](#)

(Article 1 of Protocol 13 is: Abolition of the death penalty)

Each of the above links takes you to explanations and examples provided by the EHRC. Further, the [EHRC](#) and the [Ministry of Justice](#) both provide guides for public authorities.

Children's Rights (UNCRC)

All children and young people up to the age of 18 years have all the rights in the Convention. Some groups of children and young people - for example those living away from home, and young disabled people - have additional rights to make sure they are treated fairly and their needs are met.

Every child in the UK has been entitled to over 40 specific rights. These include:

- The right to life, survival and development
- The right to have their views respected, and to have their best interests considered at all times
- The right to a name and nationality, freedom of expression, and access to information concerning them
- The right to live in a family environment or alternative care, and to have contact with both parents wherever possible

	<ul style="list-style-type: none"> ▪ Health and welfare rights, including rights for disabled children, the right to health and health care, and social security ▪ The right to education, leisure, culture and the arts ▪ Special protection for refugee children, children in the juvenile justice system, children deprived of their liberty and children suffering economic, sexual or other forms of exploitation <p>The rights included in the convention apply to all children and young people, with no exceptions.</p> <p>The above and more information can be found at Direct Gov.</p>
<p>Q3 Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>Yes/No</p> <p>Use your evidence from Q2 to state why</p>
<p>Q4 Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity and/or human rights?</p>	<p>Yes/No</p> <p>If the answer here is 'yes', then it is necessary to go ahead with a Full Equality Impact Analysis. You should also consider a Full Equality Impact Analysis if your decision is likely to be of high relevance to equality, and/or be of high public interest.</p>