

## LONDON BOROUGH OF HAMMERSMITH & FULHAM

**Report to:** Strategic Director of the Environment, in consultation with the Cabinet Member for Public Realm

**Date:** 29/08/2023

**Subject:** Riverside Railing Refurbishment at Bishops Park

**Report of:** Hugo Ross-Tatam, Parks Project Officer

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### SUMMARY

This report requests approval of a Procurement Strategy for a contractor to deliver refurbishment works to 1km of riverside railings in Bishops Park. The works will be wholly funded using secured external funding.

This project will contribute to Council priorities and aspirations, including repairing damaged infrastructure and 'Taking pride in H&F'.

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### RECOMMENDATIONS

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

1. Approves the Business Case & Procurement Strategy for a contractor to complete works at Bishops Park.

**Wards Affected:** Palace and Hurlingham Ward

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<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
Building shared prosperity	Refurbishing the riverside railings in Bishops Park are a priority of the Friends of Bishops Park and so completing this project would show the Council is committed to maintenance and parks improvement projects.
Creating a compassionate council	Refurbishing the railings will show the Council is committed to repairing and maintaining its historic infrastructure and not allowing it to fall into disrepair.
Doing things with local residents, not to them	Officers will continue to consult with Friends groups, residents, and stakeholders, in the refurbishment of the railings.
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.
Taking pride in H&F	Refurbishment of the riverside railings will improve the

	aesthetics of Bishops Park and the recently re-surfaced pathway.
Rising to the challenge of the climate and ecological emergency	Refurbishing rather than replacing the railings at Bishops Park will reduce the amount of waste materials generated.

## Financial Impact

This report recommends the proposed procurement strategy only. The proposed procurement will be undertaken by existing parks officers, with costs contained within existing service budgets. The financial implications relating to the contract award will be considered as part of a separate decision-making report. For information, the proposed works are expected to be fully funded from secured external funding received under the Fulham Stadium Limited lease (7 June 2019), and therefore are expected to be delivered at no cost to the Council.

Kellie Gooch, Head of Finance (Environment) 1 August 2023.

Verified by Andre Mark, Head of finance (Strategic planning and investment), 2<sup>nd</sup> August 2023

## Legal Implications

The Council has the power to undertake these works as part of its duty to maintain parks under the Open Spaces Act 1906.

The contract is for works and below the threshold for the Public Contracts Regulations 2015 to apply. There are therefore no statutory requirements governing the procurement.

This is a high value contract for the purposes of the Council's Contract Standing Orders. The open procurement proposed in this strategy will be compliant with CSOs 18 and 19.

This is a key decision under the Council's constitution and will need to be included in the key decision list on the Council's website.

John Sharland, Senior solicitor (Contracts and procurement), 31 July 2023

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## Background Papers Used in Preparing This Report

None

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## DETAILED ANALYSIS

### Background

1. Hammersmith and Fulham council is committed to providing high quality outdoor space for its residents and a key aspiration is to become the greenest borough in the country. This project also fits with the Council's values of 'Taking pride in Hammersmith and Fulham' and 'Doing things with residents, not to them', as this is very much a priority of the Friends of Bishops Park and a necessity to improve the aesthetics and safety of the riverside walk.
2. Refurbishing the 1km of riverside railings will benefit the park as it would accompany the recently renovated riverside walkway which has been resurfaced, using a more sustainable material. This area of Fulham has many businesses nearby and a high footfall of visitors during match days at the nearby Fulham FC ground. By refurbishing the railings, we will improve the look of the park and reassure visitors that ongoing maintenance of parks infrastructure is taking place and ensure that the railings are safe.
3. Twenty one of the borough's parks have Green Flag status. Bishops Park obtained a Green Flag for the first time in 2013 and improving the park will contribute to safeguarding this award of excellence in future years.
4. Bishops Park also has Grade 2 Heritage listing, although the railings are not a listed structure but form a key element of the splendour of the park.

### **Reasons for Decision**

5. This project is part of the agreed Parks Capital Programme (project 20) and is fully funded from secured external funding.
6. Parks officers have worked with the Friends of Bishops Park since 2016 to discuss and develop a brief for this refurbishment. The Council has also been working closely with Openeight Architects Limited to carry out condition surveys and further develop the project specification, ready for award of the works contract. They are currently drawing up design and tender documents for the proposed refurbishment works.
7. Both the Friends and the Parks department are keen to move this project into the delivery phase as soon as possible. We anticipate that tender documents will be ready in late Summer 2023, allowing the tender to run over late Summer/early Autumn and the winning tenderer to be appointed in late Autumn. This will allow refurbishment work to take place between January and March 2024.
8. The Council's Contract Standing Orders require Contract Assurance Board approval of a procurement strategy before commencing procurement of a contract.
9. To achieve best value for the council for the procurement of these works
10. A Privacy Impact Assessment has been completed and is included with this document.

## Contract Specifications Summary

11. 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.
12. To refurbish the 1km of riverside railings, replacing corroded rails as necessary, ball blasting, treating and painting existing railings and posts, repairs to coping stones and the handrails on the two stepways that lead to the River Thames.

## Procurement Route Analysis of Options

13. The following options have been reviewed:
  - **Option 1: (preferred option)** Conduct an open tender to undertake a competitive procurement process for the refurbishment works and invite quotes from multiple contractors (including the Council's existing Highways term contractor) 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 or DPS. The frameworks detailed in the Crown Commercial Services, East Shires Purchasing Organisation, Yorkshire Purchasing Organisation and EEM National Procurement Frameworks have been reviewed and options appear limited to the following options, however there is uncertainty in their suitability:
    - General Building Materials Framework, *EEM National Procurement Frameworks*.
    - Construction Professional Services DPS, *Crown Commercial Service*
  - **Option 3:** Fail to appoint a contractor or do nothing. A commitment has been made to residents to refurbish the railings. The council will face loss of reputation, from park users and stakeholders if this is not delivered.
14. 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

15. The market for railing refurbishment and replacement is well developed, with many suitable organisations on CapitalEsourcing. It is expected that the Council will receive strong tender response to this opportunity. The contract will also be advertised on Contracts Finder.
16. The Friends of Bishops Park intend to be kept up to date with developments on this project but to not actively take part in the evaluation process.

## Risk Assessment and Proposed Mitigations

17. All park projects have a dedicated project manager within the parks team and are overseen by the Senior Parks Manager.
18. Prior to tender, the cost of the proposed works will be assessed by a soft testing of the market to ensure that they can be procured within the available budget.
19. The procurement strategy has appointed Openeight Architects Limited to design and contract manage these works on site and assist appointment of a suitably skilled and experienced tenderer to deliver the project works.

## Timetable

20. Estimated timetable of the competition process through to contact commencing.

Key Decision Entry (Strategy)	26 <sup>th</sup> May 2023
Contracts Assurance Board (Strategy)	16 <sup>th</sup> August 2023
SLT/Cabinet Member/Cabinet Sign off (Strategy)	6 <sup>th</sup> September 2023
Find a Tender Service Notice	21 <sup>st</sup> September 2023
Closing date for clarifications	5pm 28 <sup>th</sup> September 2023
Closing date for submissions	12pm (midday) 11 <sup>th</sup> October 2023
Evaluation of Tenders	16 <sup>th</sup> October 2023
Key Decision Entry (Award)	9 <sup>th</sup> November 2023
CAB (Award)	13 <sup>th</sup> December 2023
SLT/Cabinet Member (Award)	20 <sup>th</sup> December 2023
Find a Tender Service Contract Award Notice	21 <sup>st</sup> December 2023
Contract engrossment	21 <sup>st</sup> December 2023
Contract mobilisation and implementation	4 <sup>th</sup> January 2024
Contract Commencement date	4 <sup>th</sup> February 2024

## Selection and Award Criteria

21. **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.
22. **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**

23. Standards will be defined within the specification and works on site will be administered by Openeight Architects Ltd.
24. This is a six month contract, followed by a 12 month defects liability period and inflationary uplifts will not be applied.

### **Equality Implications**

25. An Equality and Impact Assessment has been completed and is found below in Appendix 2.

### **Risk Management Implications**

26. The report recommends carrying out a competitive procurement process to appoint a suitable contractor, which is in line with the objective of being ruthlessly financially efficient.

*David Hughes, Director of Audit, Fraud, Risk and Insurance, 7 August 2023*

### **Climate and Ecological Emergency Implications**

27. Refurbishing rather than replacing the railings at Bishops Park will reduce the amount of embodied carbon and waste materials generated, and bidders will be asked to use recycled materials where possible for components that do need to be replaced.

*Verified by: Jim Cunningham, Climate Policy & Strategy Lead, 7<sup>th</sup> August 2023*

### **Local Economy and Social Value Implications**

28. It is a requirement that all contracts awarded by the council with a value above £100,000 provide social value commitments that are additional to the core services required under the contract. These commitments must amount to at least 10% in value of the price of the contract proposed. In addition, the evaluation of social value should account for a weighting of a minimum of 20% of the overall score.
29. This contract is forecast to be more than £100,000. If so, 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 20% of the overall score.

30. 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, 28 July 2023*

## **Consultation**

31. The Friends of Bishops Park have been closely involved in the formulation of the brief for the refurbishments. It is expected that Parks department officers will continue to work with the Friends throughout the delivery stage of this project.

## **List of appendices**

### **Appendix 1: Privacy Impact Assessment**

## Appendix 1: Privacy Impact Assessment

# H&F Privacy Impact Assessment

## Section 1 – Assessment Details

1.1	<b>Title of Project/Programme/Process</b>	Bishops Park Railings Refurbishment
1.2	<b>Date of completion of form</b>	13/07/2023
1.3	<b>Name and job title of person completing form</b>	Hugo Ross-Tatam, Parks Projects Officer
1.4	<b>Your telephone number</b>	07387 099 883
1.5	<b>Your directorate</b>	Environment
1.6	<b>Your service area/business unit</b>	Leisure and Parks
1.7	<b>Your team</b>	Parks
1.8	<b>Name and job title of Information Asset Owner(s)</b>	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:

Here we are proposing to refurbish the 1km of riverside railings in Bishops Park. This is subject to approvals from the Environment Agency and Port of London Authority, however we do not envisage any issues. We would not be collecting any data as part of this project.

### 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. As the activity involves a public consultation I am advised that this will not involve the collection of any personal identifiers. Therefore, DP risks are assessed as low. Should the scope of these activities change so that personal data will fall within scope, this DPIA should be revised, reviewed by the IMT and appropriate mitigations 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**.....

# 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 5<sup>th</sup> 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@lbhf.gov.uk](mailto:PEIA@lbhf.gov.uk) or ext 3430.

**Bishops Park Railings Refurbishment Project  
Initial Screening Equality Impact Analysis Tool**

<b>Section 01</b>	<b>Details of Initial Equality Impact Screening Analysis</b>
<b>Financial Year and Quarter</b>	2023-24 Q2
<b>Name of policy, strategy, function, project, activity, or programme</b>	Parks Capital Programme- Bishops Park – Riverside Railings
<b>Q1 What are you looking to achieve?</b>	We are proposing to carry out a complete refurbishment of the 1km of riverside railings on Bishops Park. This will involve replacing and restoring elements such as the rails, posts, coping stones and pillars. Completing the repairs will ensure the railings are secure and safe for park users of all ages.
<b>Q2 Who in the main will benefit?</b>	<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><b>Information: protected characteristics and PSED</b>  <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"> <li>▪ <i>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act;</i></li> <li>▪ <i>Advance equality of opportunity between people who share a protected characteristic and those who do not; and</i></li> <li>▪ <i>Foster good relations between people who share a protected characteristic and those who do not.</i></li> </ul> <p><i>Having due regard for advancing equality involves:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Removing or minimising disadvantages suffered by people due to their protected characteristics;</i></li> <li>▪ <i>Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and</i></li> <li>▪ <i>Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low</i></li> </ul> <p><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.</i></p>

The project will restore park structure and therefore improve the aesthetics of the park.

Age	Refurbishing the riverside railings will provide repairs to the structural integrity of the railings, repairing defects and making sure they are safe for all park users. Damaged rails and posts would be replaced negating the risk of injury from coming into contact with them.	Y	
Disability	The project does not discriminate on the basis of disability. The park is a public open space that anyone has the right to use	Y	
Gender reassignment	The project does not discriminate on the basis of 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 on the basis of 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 on the basis of pregnancy or maternity. The park is a public open space that anyone has the right to use.	Y	
Race	The project does not discriminate on the basis of 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 affect 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 on the basis of sex. The park is a public open space that anyone has the right to use.	Y	
	Sexual Orientation	The project does not discriminate on the basis of sexual orientation. The park is a public open space that anyone has the right to use.	Y	

**Human Rights and Children's Rights**

Will it affect Human Rights, as defined by the Human Rights Act 1998?

No

Will it affect Children's Rights, as defined by the UNCRC (1992)?

No

**Q3**  
Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?

Yes: Refurbishing the railings at Bishops Park will contribute positively to equalities of age as by repairing damaged posts and rails we are negating risk of injury from the point of contact. A restored railing will ensure the park is safe for all age groups.

**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

# Initial Screening Equality Impact Analysis Guidance

<p><b>Section 02</b></p>	<p><b>Details of Initial Equalities Impact Screening Analysis</b></p>
<p><b>Name of policy, strategy, function, project, activity, or programme</b></p>	<p>A <b>Policy</b> 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 <b>Strategy</b> 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 <b>Function</b> refers to any actions and/or activities designed to achieve a specific business benefit or goal.</p> <p>A <b>Project</b> 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 <b>Activity</b> is a specific task (or a groups of tasks) which can also form as part of a 'function'.</p> <p>A <b>Programme</b> 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><b>Q1</b> <b>What are you looking to achieve?</b></p>	<p>For example this might help to implement outcomes identified in policies such as the <a href="#">Single Equality Scheme</a>, <a href="#">Disability Equality Scheme</a>, <a href="#">other EIAs</a> in your service department, or in another department that your service/service users also interact with and draw down services from, <a href="#">Corporate Plan</a>, <a href="#">LAA Targets</a>, CAA Aims, <a href="#">UDP</a>, or <a href="#">JSNA</a>.</p>
<p><b>Q2</b> <b>Who in the main will benefit?</b></p>	<p>Hereafter, 'policy' means policy, strategy, function, project, activity, or programme</p> <p><b>Disability</b> 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"> <li>▪ Provide accessible communications?</li> <li>▪ Change how you collate and use data?</li> <li>▪ Revise how you involve service users?</li> </ul> <p>Analyse the impact of the policy on the <a href="#">protected characteristics</a> 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><b>High</b></p> <ul style="list-style-type: none"> <li>▪ The policy, strategy, function, project, activity, or programme is relevant to all or most parts of the general duty, and/or to human rights</li> <li>▪ There is substantial or a fair amount of evidence that some groups are (or could be) differently affected by it</li> <li>▪ There is substantial or a fair amount of public concern about it</li> </ul>



### Medium

- 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

### Low

- 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

Use your reasoning to determine whether the impact will be positive, neutral, or negative. There are three possible outcomes:

- **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.

	<p><b>Children's Rights (UNCRC)</b>  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.</p> <p>Every child in the UK has been entitled to over 40 specific rights. These include:</p> <ul style="list-style-type: none"> <li>▪ The right to life, survival and development</li> <li>▪ The right to have their views respected, and to have their best interests considered at all times</li> <li>▪ The right to a name and nationality, freedom of expression, and access to information concerning them</li> <li>▪ The right to live in a family environment or alternative care, and to have contact with both parents wherever possible</li> <li>▪ Health and welfare rights, including rights for disabled children, the right to health and health care, and social security</li> <li>▪ The right to education, leisure, culture and the arts</li> <li>▪ 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</li> </ul> <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 <a href="#">Direct Gov</a>.</p>
<p><b>Q3</b>  <b>Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</b></p>	<p>Yes/No</p> <p>Use your evidence from Q2 to state why</p>
<p><b>Q4</b>  <b>Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity and/or human rights?</b></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>