Integrated Impact Assessment

The purpose of Aberdeen City Council is to protect the people and the place of Aberdeen from harm, enabling them to prosper and supporting them in the event of harm happening.

The purpose of an Integrated Impact Assessment is to evidence that Aberdeen City Council are making decisions in an informed way, and that the impact of decisions made is understood and accepted. The legislation that is considered within this assessment are:

- Section 2 Equality Act 2010 protected characteristics
- Section 3 Socio-Economic
- Section 4 Human Rights
- Section 5 Children and Young People's Rights

The term 'policy' is used throughout this document and applies to policies, proposals, strategies, provision, criteria, functions, practice, budget savings and activities that includes delivery of our services.

1. About the Policy

1.1 Title

Decentralisation of Access to Information. No central team for FOI/EIR/Data rights requests. We have a statutory obligation to respond, demand would pass to services

1.2 What does this policy seek to achieve?

This proposal will bring about budget savings sought by the decentralisation of the Access to Information service responsible for receiving, managing, allocating and oversee the handling of Freedom of Information (FOI) Requests, Environmental Information Requests (EIRs), Educational Records Requests and Data Protection Rights Requests including Subject Access Requests (SARs).

Instead, the statutory service would be delivered through a service based approach, whereby each service will be responsible for handling requests end to end with no centralised corporate support. Applicants will liaise directly with the service to which the request relates.

Quality assurance of responses would cease and there would be no centralised support around best practice and compliance with the statutory handling procedures, including any relevant data protection legislation.

Responsibility for recording and collating statistical data relating to each request type would lie with each service area.

An 'Office of Scottish Information Commissioner' liaison officer would need to be identified within the organisation to liaise with the Commissioner around FOI and EIR reviews. An officer would also need to be identified within the organisation to provide statutory corporate statistical information to the Commissioner.

1.3 Is this a new or existing policy?
New

1.4 Is this report going to a committee?
Yes

1.5 Committee name and date:
Budget Meeting, Council, 6 March 2024

1.6 Report no and / or Budget proposal number and / or Business Case reference number:
CE17

Impacts

This section demonstrates the considerations that have been made in relation to the policy - and that the impact of proposals made is understood and accepted.

2: Equality Act 2010 - Protected Characteristics

Aberdeen City Council wants to ensure everyone is treated fairly. This section identifies the protected characteristics that the policy potentially affects and records the impact and mitigating steps.

2.1 What impact could this policy have on any of the below groups?

	What is the impact?				
	Negative			Neutral	Positive
Protected Characteristic	**High**	**Medium**	**Low**		
Age			X		
Disability			X		
Gender Reassignment			X		
Marriage and Civil Partnership				X	
Pregnancy and Maternity				X	
Race			X		
Religion or Belief			X		
Sex			X		
Sexual Orientation			X		

2.2 In what way will the policy impact people with these protected characteristics?

The Council receives a wide range of access to information requests from many citizen groups. The Access to Information Team provide independent oversight to the request handling process to ensure that an impartial approach is taken to request handling across the organisation. They also provide specialist support and advice to ensure requests are handled in accordance with the relevant legislation. This proposal will mean that citizens must liaise directly with the service to which the request relates, and no centralised support will be provided in relation to the handling of requests.

The removal of a central Access to Information service means that there would be no corporate specialist team to receive, manage, allocate and oversee the handling of Freedom of Information (FOI) Requests, Environmental Information Requests (EIRs), Educational Records Requests and Data Protection Rights Requests including Subject Access Requests (SARs). Instead, such requests would be recorded and handled end to end by the relevant service, including all contact with the applicant.

Should a request be misdirected then the service in receipt of the request would need to determine which service is the most appropriate to respond and to redirect accordingly.

The proposal to decentralise the Access to Information service may:
- Result in risk of non-compliance with statutory procedure
- Result in longer response times due to lack of capacity within the services
- Reduce the quality of responses due to lack of support and guidance
- Result in an increase in citizen dissatisfaction and a rise in reviews and appeals
- Give rise to indirect discrimination.

Currently, when a request is sent to a service, the request is anonymised. If the policy is approved, they would not be. If there are biases from staff about a specific group/s, this may impact the response to the citizen. For this reason, whereby anonymity may be key to ensure no potential bias from employees towards individuals they have liaised with previously, age, disability, gender reassignment, race, religion/belief, sex and sexual orientation have been assessed as low impact.

Also, without the quality assurance currently undertaken by the Access to Information Team, then there is serious risk of harm to an individual if personal information is released accidentally. Personal information could be linked to the above selected protected characteristics and again has been categorised as low impact.

More specifically, those with a protected characteristic of age, that often contact the service by telephone and would no longer be able to do so, would primarily be directed online. Removing the central Access to Information team would require citizens to find the correct service to direct their request to without the assistance or knowledge that the team have to help with this issue. This would require citizens to phone the service directly, find the service online or go into an office or library to ask for assistance face to face, thus potentially creating confusion and frustration for those in the age group. This group has been assessed as low impact however, data is not collected for this characteristic and this assessment is based on the team's experience and understanding of potential impact to this group.

Those with a protected characteristic of disability may also face these same challenges, specifically with finding the relevant service to direct their request. Some neurodivergent service users or those with visual impairment may prefer not to use online systems and would require the support of a person. Not everyone is supported by a carer / friend / family member. By providing one central team for citizens to direct their request to in the format that is preferable for them makes the process easier for the citizen. This group has also been assessed as low impact however, data is not collected for this characteristic and this assessment is based on the potential impact to this group determined through the team's experience and knowledge of users accessing the service.

Those with a protected characteristic of gender reassignment may have information disclosed without their permission or knowledge if the central Access to Information team were not overseeing the responses going out to requests. Whilst the impact on the individual may be high, the number of individuals this may relate to is understood to be low. Again, as there is no data available to validate the assessment, it can only be a potential impact assessment.

There may be a risk of people being identified if there is no centralised system to ensure preservation of data. Also, there may be citizens whose first language is not and may find it difficult to communicate their request to the relevant service. The services handle a multitude of queries and without the Access to Information team to determine what the citizen is looking for; this may be challenging for both the service and citizen. The risk relating to race has therefore been assessed as low.

2.3 What considerations have been made in reaching the above assessment?

What internal or external data has been considered? What does this data tell us?

The annual data for requests handled by our Access to Information Team demonstrates the demand for the service. In 2022/23, there was a total of 1,650 Freedom of Information and Environmental Information Requests, and 282 Subject Access Requests received. The data shows that 84% of FOI/EIRs and 66% of SARs were responded to within timescale.   Should this service be removed, then performance would likely decrease significantly which would have an impact on the applicant, including those with protected characteristics.

There is no equality monitoring data relating to Access to Information service users. The impact assessments have been made based on the experience and knowledge from within the team regarding service users and potential impact.

What consultation and engagement and has been undertaken with officers and partner organisations?

Discussion with colleagues in Equalities, Legal and People and Organisational Development about potential impacts. The proposal has been shared within the extended Corporate Management Team and with Customer Services. This proposal and potential impact was described in Phase 2 of the Budget Consultation, and links to the consultation were shared directly with many external partner organisations.

What consultation and engagement and has been undertaken with people who may be impacted by this policy (e.g. citizens, community groups, or other people/groups)?

Aberdeen City Council launched a three-part public consultation around the 2024/25 Budget and future spending plans from July 2023 to January 2024.

In part 1, which ran throughout July 2023, people were asked to award points across different service areas to indicate where they thought the council's spending priorities should be. In part 2, the public could either increase, decrease or not change the level of expenditure in areas listed. In part 3, which took place throughout January 2024, there were two face to face sessions for the public to attend and an online consultation.

There were 3,192 responses to part 1 and 2,654 responses to part 2. Part 3 was undertaken online and face-to-face where 126 people with protected characteristics took part and 377 comments were received.

There were no specific comments relating to this proposal in relation to protected characteristics.

2.4 What mitigations can be put in place?

What mitigations are there against any negative impacts (if applicable)?

Ways to submit requests to services would need to be clearly communicated or highlighted on our website. However, some service users may still require support and find it challenging to navigate the information. Not all citizens are digitally literate or may lack the confidence to navigate online provision. They may not have family, friends or other support to assist.

Training tools are available to members of staff who are responding to access to information requests. This includes guidance around accessibility to the statutory processes, timely responses and ensuring impartiality. Despite this guidance, officers regularly require support from the Access to Information Team and therefore the training tools will need to be promoted. It should be noted that if the Access to Information Team no longer exists then alternative resource to ensure guidance (internal and external) would need to be sourced to ensure it is up to date and accurate. This would need to be identified from elsewhere in the organisation and there may not be capacity to fulfil this requirement.

Alternative ways to submit requests to services directly would need to be offered to citizens, including telephoning the service directly as there is a statutory requirement to accept requests via all channels. This is only an option if a telephone channel is offered for a service. There are telephones available at Marischal College and community hubs across the city for citizens that may wish to do this but do not have access to a phone.

Support to citizens can be provided at their local library and they may be able to help citizens navigate our website to find the service they wish to submit their request to. Library staff would need to be trained and may not have the capacity to offer assistance alongside other duties. Libraries may be a more convenient location for citizens rather than travelling to Marischal College. There are digital support groups operating in the city we can signpost citizens to who would like to get online and increase their digital literacy.

Our website has accessibility tools in place to support citizens with disabilities, situational challenges and language support with translation tool, a screen reader and customisable options to support neurodivergent citizens. We could consider more videos with British Sign Language and subtitles so people can get step by step guidance to support them through our digital processes.

A member of staff from each service could be identified to be the FOI/EIR/SAR champion, to provide the support and guidance required when responding to citizens. However, capacity would be extremely limited, and it would impact the delivery of other services as the member of staff would be unlikely to be able to carry. They could provide support to other members of staff who are responding to requests and be responsible for making sure the responses follow legislation. Training would be substantial given the complexity of the matter and consideration would need to be taken into account on who this staff member would be and how this would impact on their existing duties. This approach was undertaken in the past to a certain degree, alongside a centralised team to offer specialist support but did not prove effective and capacity across services has reduced further since then.

With mitigations in place, what is the new overall rating of the negative impact(s)?	High	
	Medium	
	Low	X
	Negative Impact Removed	

3: Socio-Economic Impacts

This section is used to consider the impact of the policy on people who might be **unemployed**, **single parents**, people with lower **education** or **literacy**, **looked after children**, those with **protected characteristics** as examples.

Use this guide to understand more on socio-economic inequalities: The Fairer Scotland Duty: Guidance for Public Bodies (www.gov.scot)

3.1 What impact could this policy have on any of the below groups?

Group	Negative			Neutral	Positive
	High	Medium	Low		
Low income / income poverty – those who cannot afford regular bills, food, clothing payments.			X		
Low and/or no wealth – those who can meet basic living costs but have no savings for unexpected spend or provision for the future			X		
Material deprivation – those who cannot access basic goods and services, unable to repair/replace broken electrical goods, heat their homes or access to leisure or hobbies			X		
Area deprivation – consider where people live and where they work (accessibility and cost of transport)				X	
Socio-economic background – social class, parents' education, employment, income.			X		

3.2 In what way will the policy impact people in these groups?

A reduction in services via online options could be considered a barrier to those who do not have access to a telephone or cannot attend a Council office in person to use the telephones there.

Finding the correct service by calling potentially several services may lead to a higher phone bill or the citizen may not have enough credit on their phone or money to use a telephone box. The citizen may also not have money to attend a Council office via public transport.

The central Access to Information team receive all FOIs and SARs in the first instance. They have the expertise and knowledge regarding the legislation and provide this information in a way that is easy to understand and sensitive to an individual's situation. Services would need to take this into account when communicating with the citizen, especially those from a particular socio-economic background e.g. potentially those with a care experienced background.

Particular attention would also need to be paid to ensure that information that the citizens is not entitled to is shared incorrectly. The effects of this could trigger trauma in individuals.

3.3 What considerations have been made in reaching the above assessment?

What internal or external data has been **considered?** What does this data tell us?

There is no data for this matter. The impact assessments have been made based on the experience and knowledge of the service.

What consultation and engagement and **has** been **undertaken** with officers and partner organisations?

Discussion with colleagues in Equalities, Legal and People and Organisational Development about potential impacts. The proposal has been shared within the extended Corporate Management Team

and with Customer Services. This proposal and potential impact was described in Phase 2 of the Budget Consultation, and links to the consultation were shared directly with many external partner organisations.

What consultation and engagement and **ha**s been **undertaken** with people who may be impacted by this policy? citizens, community groups, or other people/groups impacted by this policy?

Aberdeen City Council launched a three-part public consultation around the 2024/25 Budget and future spending plans from July 2023 to January 2024.

In part 1, which ran throughout July 2023, people were asked to award points across different service areas to indicate where they thought the council's spending priorities should be. In part 2, the public could either increase, decrease or not change the level of expenditure in areas listed. In part 3, which took place throughout January 2024, there were two face to face sessions for the public to attend and an online consultation.

There were 3,192 responses to part 1 and 2,654 responses to part 2. Part 3 was undertaken online and face-to-face where 126 people with protected characteristics took part and 377 comments were received.

There were no comments specific to the socio economic impacts of this proposal.

3.4 What mitigations can be put in place?

What mitigations are there against any negative impacts (if applicable)?

Ways to submit requests to services would need to be clearly communicated or highlighted on our website.

Alternative ways to submit requests to services directly would need to be offered to citizens, including telephoning the service directly as there is a statutory requirement to accept requests via all channels. This is only an option if a telephone channel is offered for a service. There are telephones available at Marischal College and community hubs across the city for citizens that may wish to contact us by telephone but do not have access to a phone.

Support to citizens can be provided at their local library and they may be able to help citizens navigate our website to find the service they wish to submit their request to. Library staff would need to be trained and may not have the capacity to offer assistance alongside other duties. Libraries may be a more convenient location for citizens rather than travelling to Marischal College. There are digital support groups operating in the City we can signpost citizens to who would like to get online and increase their digital literacy.

Our website has accessibility tools in place to support citizens with disabilities, situational challenges and language support with translation tool, a screen reader and customisable options to support neurodivergent citizens. We could consider more videos with British Sign Language and subtitles so people can get step by step guidance to support them through our digital processes.

With mitigations in place, what is the new overall rating of the negative impact(s)?	High	
	Medium	
	Low	X
	Negative Impact Removed	

4: Human Rights Impacts

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000

The Act sets out our human rights in a series of 'Articles'. Each Article deals with a different right.

Use this guide to understand more about Human Rights.

4.1 What impact could this policy have on Human Rights?

Human Rights Article	Negative	Neutral	Positive
Article 6: Right to a fair trial		X	
Article 7: No punishment without law		X	
Article 8: Right to respect for private and family life, home and correspondence		X	
Article 9: Freedom of thought, belief and religion		X	
Article 10: Freedom of expression		X	
Article 11: Freedom of assembly and association		X	
Article 12: Right to marry and start a family		X	
Article 14: Protection from discrimination in respect of these rights and freedoms		X	
Article 1 of Protocol 1: Right to peaceful enjoyment of your property		X	
Article 2 of Protocol 1: Right to education		X	
Article 3 of Protocol 1: Right to participate in free elections		X	

4.2 In what way will the policy impact Human Rights?

There is no data on this matter.

4.3 What mitigations can be put in place?

What mitigations are there against any negative impacts (if applicable)?		
None		
If mitigations are in place, does this remove the negative impact?	No – negative impact remains	
	Yes – negative impact reduced	
	Yes - negative impact removed	

5: Children and Young People's Rights Impacts

The United Nations Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. It also explains how adults and governments must work together to make sure all children can enjoy all their rights.

Children's rights apply to every child/young person under the age of 18 and to adults still eligible to receive a "children's service" (e.g. care leavers aged 18 – 25 years old).

The Conventions are also known as the "General Principles" and they help to interpret all the other articles and play a fundamental role in realising all the rights in the Convention for all children. They are:

1. Non-discrimination (Article 2)
2. Best interest of the child (Article 3)
3. Right to life survival and development (Article 6)
4. Right to be heard (Article 12)

You can **read the full UN Convention (pdf)**, or **just a summary (pdf)**, to find out more about the rights that are included.

5.1 What impact could this policy have on the rights of Children and Young People?

UNCRC and Optional Protocols	Negative	Neutral	Positive
Article 1: definition of the child		X	
Article 2: non-discrimination		X	
Article 3: best interests of the child		X	
Article 4: implementation of the convention		X	
Article 5: parental guidance and a child's evolving capacities	X		
Article 6: life, survival and development		X	
Article 7: birth registration, name, nationality, care		X	
Article 8: protection and preservation of identity		X	
Article 9: separation from parents		X	
Article 10: family reunification		X	
Article 11: abduction and non-return of children		X	
Article 12: respect for the views of the child	X		
Article 13: freedom of expression	X		
Article 14: freedom of thought, belief and religion		X	
Article 15: freedom of association		X	
Article 16: right to privacy		X	
Article 17: access to information from the media		X	
Article 18: parental responsibilities and state assistance		X	
Article 19: protection from violence, abuse and neglect		X	
Article 20: children unable to live with their family		X	
Article 21: adoption		X	
Article 22: refugee children		X	
Article 23: children with a disability	X		
Article 24: health and health services		X	
Article 25: review of treatment in care		X	
Article 26: social security		X	
Article 27: adequate standard of living		X	
Article 28: right to education		X	
Article 29: goals of education		X	
Article 30: children from minority or indigenous groups		X	
Article 31: leisure, play and culture		X	
Article 32: child labour		X	
Article 33: drug abuse		X	
Article 34: sexual exploitation		X	

Article 35: abduction, sale and trafficking		X	
Article 36: other forms of exploitation		X	
Article 37: inhumane treatment and detention		X	
Article 38: war and armed conflicts		X	
Article 39: recovery from trauma and reintegration	X		
Article 40: juvenile justice		X	
Article 41: respect for higher national standards		X	
Article 42: knowledge of rights	X		
Optional Protocol on a Communications Procedure		X	

5.2 In what way will the policy impact the rights of Children and Young People?

The Access to Information team provide specialist support and advice to ensure requests are handled in accordance with the relevant legislation and provide information on someone's rights with regards to FOIs, EIRs and SARs. Requests from children and young people need a particular degree of sensitivity, especially if there has been trauma. The age of consent to make requests is considered to be age 12. The Access to Information team have the knowledge and expertise to be able to handle these requests. These areas would need to be considered if this policy is approved.

If barriers are put in place for requests to be submitted simply and easily, this may deter children and young people from contacting the Council with their request. This would be detrimental to considering the views of children and young people and their freedom of expression.

If there was no centralised Access to Information team to direct requests to the correct service, children and young people would need to navigate this themselves. This may be challenging for them as a whole however, may be particularly difficult for children with disabilities. Those with disabilities may be unable to meet an officer or attend a Council building in person or contact the service via telephone, and require online access. Without the central Access to Information team, there may not be online avenues for requests to be inputted and therefore disadvantage this group.

One comment from the consultation mentioned that the redaction process for SARs can be extreme and the independence of the Access to Information team helps to ensure that the correct information is released. Services may not understand the statutory rusk and breadth of what needs to be provided and specifically mentioned this with requests for Education. They suggested that this may impact children if requests relate to school/Education and would create anxiety around what information can and cannot be shared.

5.3 What mitigations can be put in place?

What mitigations are there against any negative impacts (if applicable)?
Further online resources that are detailed on the legislation and handling of requests would need to be made available for services across the council to use. Avenues for requests direct to the services would need to be identified. Each service may benefit from a request champion who has the knowledge and expertise to handle the requests and can assist other staff members and the children and young people with the request. This would need to be identified if this proposal was taken as a budget option. Consideration would need to be taken into account on who this staff member would be and how this would impact on the duties they are carrying out now for their service as there may not be capacity.

If mitigations are in place, does this remove the negative impact?	No – negative impact remains	X
	Yes – negative impact reduced	
	Yes - negative impact removed	

6: Sign Off

Any further positive or negative impacts on individuals or groups that have been considered?
It should be noted that approximately 70% of the Council Workforce is female. The profile of Access to Information team is a higher percentage of females and therefore the impact of this proposal is therefore more significant on this group. The Workforce Reduction, Restructure and Redesign IIA provides information around the potential impact on the workforce and the mitigations in place.
Overall summary of changes made as a result of impact assessment.
The team are responsible for statutory services and there is no mitigation to fully minimise the risk of impact on groups. Consideration needs to be given to those who will need dedicated support to submit requests but without the specialist knowledge the request may not be responded to correctly. Services will need to provide several channels for citizens to submit requests and actively manage this to comply with statutory timescales and there will likely not be capacity. The handling of information is a delicate and specialist task: the importance of this and the risk involved in not having the Access to Information team to review responses could be detrimental and increase the number of complaints and appeals we receive.
Outline of how impact of policy will be monitored.
Feedback will continue to be monitored to ensure a positive experience for citizens. Timescales for receiving responses to requests will be monitored as part of the requirement to provide data to the ICO.
If there are any remaining negative impacts after mitigation, what is the justification for why this policy should proceed.
The Council has a legal obligation to deliver a balanced budget and this proposal assists with this requirement.

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Date	06/02/2024
Chief Officer	Lucy McKenzie
Date	23/02/24