

Appendix 5

Equality Impact Assessment

Strategy or Policy Template

Name of the strategy or policy
Admissions arrangements for the 2018/19 school year

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Part 1 The Public Sector Equality Duty and Equality Impact Assessments (EIA)

1.1 The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An EIA is the best method by which the Council can determine the impact of a proposal on equalities, particularly for major decisions. However, the level of analysis should be proportionate to the relevance of the duty to the service or decision.

1.2 This is one of two forms that the County Council uses for Equality Impact Assessments, both of which are available on the intranet. This form is designed for any proposal, strategy or policy. The other form looks at services or projects.

1.3 The Public Sector Equality Duty (PSED)

The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have “due regard” to the need to

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (see below for “protected characteristics”

These are sometimes called equality aims.

1.4 A “protected characteristic” is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:

- Carers – A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. [Carers at the Heart of 21st Century Families and Communities, 2008]
- Literacy/Numeracy Skills

- Part time workers
- Rurality

1.6 Advancing equality (the second of the equality aims) involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

NB Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

1.6 Guidance on Compliance with The Public Sector Equality Duty (PSED) for officers and decision makers:

1.6.1 To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

1.6.2 What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

1.6.3 *Some key points to note :*

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- EIAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them – the duty does not stop tough decisions sometimes being made.

- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors)

1.6.4 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

Part 2 – Aims and implementation of the proposal, strategy or policy

2.1 What is being assessed?

a) Proposal or name of the strategy or policy.

Admission arrangements for community and voluntary controlled schools in East Sussex for admissions in September 2018.

b) What is the main purpose or aims of proposal, strategy or policy?

The proposal is to make the two following separate changes to the admission arrangements for community and voluntary controlled schools for entry in September 2018:

- Create a separate community area for Polegate and Willingdon Primary schools by dividing the current community area for Eastbourne Primary schools so that that part of the Polegate/Willingdon area which is outside the borough boundary becomes a separate community area for those two schools. There are three streets in the Hampden Park area which are outside the borough boundary but the proposal is for these to remain in the Eastbourne Primary schools area.
- Amend the definition of 'looked after child' in the county council's admission policy to include children accommodated under section 20 of the Children Act 1989.

c) Manager(s) and section or service responsible for completing the assessment

Jo Miles, Admissions and Transport Manager, Admissions and Transport Team,
Communication, Planning and Performance

2.2 Who is affected by the proposal, strategy or policy? Who is it intended to benefit and how?

The first change will affect any parent/carer/child applying for a community or voluntary controlled school place in East Sussex for entry in September 2018 in the Eastbourne/Polegate/Willingdon area. It will mean that children living in Polegate or Willingdon will be more likely to be offered places at Polegate or Willingdon Primary school, as they will be prioritised for places ahead of children living in Eastbourne borough. However, it will mean that children living in Eastbourne borough may be less likely to be offered places at Polegate or Willingdon Primary School.

This change to admissions arrangements should help ensure that children are able to attend a local school. It has arisen because there are a number of homes in Polegate and Willingdon that are geographically further from Polegate or Willingdon Primary schools than some addresses within Eastbourne borough, which has led to children within Eastbourne borough, who have access to other local schools, being offered places at Polegate or Willingdon Primary school, at the expense of children living further afield in Polegate or Willingdon, who then have to travel past those schools in order to attend more distant schools in Eastbourne borough.

Home to School transport expenditure may decrease as potentially fewer children will have to be transported at the authority's expense due to lack of places at local schools. The number of appeals may reduce as parents are more likely to accept an allocated school if it is local to them.

The proposal to amend the definition of 'looked after child' will affect those children who are accommodated under section 20 of the Children Act 1989 in that it will prioritise them for places at their preferred school. It is possible that this may displace other children, but given that there are only 77 such children of compulsory school age in East Sussex and many of them apply for schools which are not oversubscribed, the impact is not likely to be significant. This is a very vulnerable group of children and it is important to protect their interests.

2.3 How is, or will, the proposal, strategy or policy be put into practice and who is, or will be, responsible for it?

The admissions policy for community and voluntary controlled schools for entry in September 2018 will change as set out in **2.1b**. Following the adoption of the new policy the Admission team will implement it as part of the schools admissions process.

Lou Carter, Assistant Director, Communication, Planning and Performance
(Children's Services)

2.4 Are there any partners involved? E.g. NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?

Community and voluntary controlled schools, voluntary aided schools and academies.

2.5 Is this project or procedure affected by legislation, legislative change, service review or strategic planning activity?

School Admissions Code 2014.

The School Admissions (Infant Class size) regulations 2012.

Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.

3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.

Types of evidence identified as relevant have marked against them			
	Employee Monitoring Data		Staff Surveys
	Service User Data		Contract/Supplier Monitoring Data
X	Recent Local Consultations		Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
X	Complaints		Risk Assessments
	Service User Surveys	X	Research Findings
X	Census Data	X	East Sussex Demographics
	Previous Equality Impact Assessments		National Reports
	Other organisations Equality Impact Assessments		Any other evidence?

3.1.1 Evidence of complaints against the strategy or policy on grounds of discrimination.

None.

3.3 If you carried out any consultation or research on the strategy or policy explain what consultation has been carried out.

Stakeholder consultations have involved parents, schools and neighbouring authorities.

3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the strategy or policy?

Despite publicity, there were very few responses to the consultation, although these were largely positive. Respondents felt that children accommodated under section 20 needed all the help they can get. There were no comments about the impact of the change to the primary school area (one comment related to the area but assumed it related to secondary schools as well, which it does not).

Part 4 – Assessment of impact

4.1 Age: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County /District/Borough?

There are 62,471 children and young people aged 4-16 attending primary, secondary and special schools in East Sussex. Pupil numbers by Key Stage are:

Mainstream schools:

Foundation Stage:	5,624
KS1:	10,979
KS2:	21,007
KS3:	14,314
KS4:	9,683

Special Schools:

Foundation Stage:	42
KS1:	86
KS2:	231
KS3:	274
KS4:	231

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

All primary school aged children and their families in the Eastbourne/Polegate/Willingdon area could potentially be affected by this policy change. However it relates only to mainstream primary schools in the area so older children and children attending special school will not be affected.

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

Yes, only school aged children and their families will be affected. Children accommodated under section 20 of the Children Act 1989 will be positively affected.

d) What is the proposal, strategy or policy's impact on different ages/age groups?

The policy will affect only school aged children and their families in Eastbourne, Polegate and Willingdon, and the impact will not be universal in the affected area

as the expectation is that similar numbers of families will still be offered their first preference school. There will be a few families who will be offered a place at a school that was a lower preference than the school they would have been offered had the existing policy still been in force, but this will be balanced out by other families who will receive a better offer than they would otherwise have had.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

Robust communications with families and schools. The intention is to ensure that the change to the policy is widely publicised so that parents are able to make informed decisions when applying for a school place for their children.

f) Provide details of the mitigation.

Families affected by the change will have their sibling link protected for an extra year (so it will apply to children admitted before 1 September 2018).

g) How will any mitigation measures be monitored?

The agreed action plan will be monitored by the Equality and Participation team.

4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

No evidence of disproportionate, negative, neutral or positive impact.

4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

No evidence of disproportionate, negative, neutral or positive impact.

4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact

a) How is this protected characteristic target group reflected in the County/District/Borough?

No evidence of disproportionate, negative, neutral or positive impact.

4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic target group reflected in the County/District/Borough?

Not applicable.

4.6 Pregnancy and maternity: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic target group reflected in the County/District/Borough?

Not applicable.

4.7 Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

No evidence of disproportionate, negative, neutral or positive impact.

4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

No evidence of disproportionate, negative, neutral or positive impact.

4.9 Other: Additional groups/factors that may experience impacts - testing of disproportionate, negative, neutral or positive impact.

Rurality

a) How are these groups/factors reflected in the County/District/Borough?

Children, families and school in rural communities are unaffected by the change to the community area in Eastbourne/Polegate/Willingdon. The impact of the change to the definition of 'looked after children' will be county wide, but very small. It is not likely to affect rural children disproportionately, as schools in rural areas are normally able to accommodate children living in their community areas, and we would expect this to continue to be the case.

b) How is this group/factor reflected in the population of those impacted by the proposal, strategy or policy?

See above.

c) Will people within these groups or affected by these factors be more affected by the proposal, policy or strategy than those in the general population who are not in those groups or affected by these factors?

Families living in rural areas will not be affected by the area change. They will not be disproportionately affected by the change to the definition of looked after children.

d) What is the proposal, strategy or policy's impact on the factor or identified group?

None in the case of the first proposal, very slight (positive or negative) in the second case.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

Not applicable

f) Provide details of the mitigation.

Not applicable

g) How will any mitigation measures be monitored?

Not applicable

Children who are accommodated under section 20 of the Children Act 1989:

a) How are these groups/factors reflected in the County/District/Borough?

The proposal has the potential for positive impact on this group as it will prioritise them for places at their preferred school.

4.10 Human rights- Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. **Please look at the table below to consider if your proposal, policy or strategy may potentially interfere with a human right.**

Articles	
A2	Right to life (e.g. pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)
A5	Right to liberty and security (financial abuse)
A6 &7	Rights to a fair trial; and no punishment without law (e.g. staff tribunals)
A8	Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)
A9	Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)
A10	Freedom of expression (whistle-blowing policies)
A11	Freedom of assembly and association (e.g. recognition of trade unions)
A12	Right to marry and found a family (e.g. fertility, pregnancy)
Protocols	
P1.A1	Protection of property (service users property/belongings)
P1.A2	Right to education (e.g. access to learning, accessible information)
P1.A3	Right to free elections (Elected Members)

Part 5 – Conclusions and recommendations for decision makers

5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups
- Foster good relations between people from different groups

5.2 Impact assessment outcome Based on the analysis of the impact in part four please mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
X	A No major change – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.	The changes to admissions arrangements should help ensure that all children are able to attend their nearest local school.
	B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	A vulnerable group (a subset of children looked after by the Local Authority) will be prioritised for places at their preferred school, which should lead to better outcomes.
	C Continue the policy/strategy - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate	A thorough communication campaign with all stakeholders will ensure that all families and schools are aware of the changes in time to allow for effective planning.
	D Stop and remove the policy/strategy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.	

5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, strategy or policy?

An action plan will be developed with the Schools Admissions team so monitoring is carried out.

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5.6 When will the amended proposal, strategy or policy be reviewed? The admissions policy is reviewed annually in accordance with the statutory process. If agreed for 2018, the policy will be implemented in time for admissions to schools in 2018. A further consultation process will then be carried out in Autumn 2017 for admissions to schools in 2019, and each year thereafter.

Date completed:	27/1/17	Signed by (person completing)	
Jo Miles		Role of person completing	Admissions and Transport Manager
Date:		Signed by (Manager)	

Part 6 – Equality impact assessment action plan

If this will be filled in at a later date when proposals have been decided please tick here and fill in the summary report.

The table below should be completed using the information from the equality impact assessment to produce an action plan the implementation of the proposals to:

1. Lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact
4. **If no actions fill in separate summary sheet.**

Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:

Area for improvement	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g. business plan/strategic plan/steering group/DMT)
Communication plan	Produce a clear plan to ensure all stakeholders are aware of the changes	Jo Miles			
Communication methods	Attend key stakeholder events and ensure all digital routes of communication are used	Jo Miles			

Equality Impact Assessment

(a) 6.1 Accepted Risk

From your analysis please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

Area of Risk	Type of Risk? (Legal, Moral, Financial)	Can this be addressed at a later date? (e.g. next financial year/through a business case)	Where flagged? (e.g. business plan/strategic plan/steering group/DMT)	Lead Manager	Date resolved (if applicable)