



Appendix 8

Equality Impact Assessment

Strategy or Policy Template

Name of the strategy or policy
Admissions arrangements for the 2019/20 school year

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Contents

Part 1 The Public Sector Equality Duty and Equality Impact Assessments (EIA)2

Part 2 – Aims and implementation of the proposal, strategy or policy5

Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.....8

Part 4 – Assessment of impact9

Part 5 – Conclusions and recommendations for decision makers15

Part 6 – Equality impact assessment action plan.....17

(a) 6.1 Accepted Risk19

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 2019.

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

The proposal is to make the three following separate changes to the admission arrangements for community and voluntary controlled schools for entry in September 2019:

- Merge the community areas for Hankham and Stone Cross Primary schools to create one joint community area served by both schools;
- Enlarge the community area for Iford and Kingston CE Primary School to encompass the community area previously served by Rodmell CE Primary School, which is scheduled to close in August 2018.
- Include the villages of Ditchling and Streat in the community area for Chailey Secondary School to create a shared area with Priory School. Ditchling is also in the community area for Downlands Community College in Hassocks, West Sussex.

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 2019 in the Stone Cross and Hankham area. It will mean that children living in the Hankham area will be more likely to be offered places at Stone Cross, and children living in the Stone Cross area will be more likely to be offered places at Hankham, as they will be prioritised for places ahead of children living in Eastbourne borough. This may affect the chances of children living in Eastbourne borough being offered places at Stone Cross or Hankham Primary School, as, although they live outside the community area in any case, they have in recent years been able to be offered places at Stone Cross and Hankham due to the low numbers of children living in the Hankham area, and due to the proximity of their addresses to Stone Cross Primary School by comparison with residents of the Hankham area. It may be that, as a result of this change, children living within Eastbourne borough will be unable to be offered places due to rising numbers of children living within the new joint area served by Stone Cross and Hankham Primary Schools. However, children living in Eastbourne borough have local alternative schools which they can access.

- 2.1 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 being built in the area between the two schools, straddling the community area boundary, and many of these homes are in the area for Hankham, which is a much smaller school with a PAN of 20. Meanwhile, many of the places at Stone Cross (which has a PAN of 60) are occupied by children living within Eastbourne borough, where there are numerous other schools available. However, some of these children are geographically closer to Stone Cross primary school than those in the new homes, and under current arrangements would therefore be more likely to be offered places at Stone Cross, despite having more local alternatives.
- 2.2 If this change is not made, children living in the new housing may find that, should Hankham School be unable to accommodate all the children living in its area in any given year, they are unable to be offered places at Stone Cross, as they live further from that school than some residents of Eastbourne borough. This would lead to these children having to travel past Stone Cross School in order to attend more distant schools in Eastbourne borough, while children living in Eastbourne borough would be travelling in the opposite direction to attend Stone Cross.
- 2.3 The second change, to the community area for Iford and Kingston CE Primary School, is designed to ensure that the residents of the Rodmell area, whose local school is scheduled to close in August 2018, will have a local school for which they have priority for places. This change to the community area should not put anyone at a disadvantage as the school has recently been enlarged and will have capacity to accommodate these children, who are few in number.
- 2.4 The third change, to enlarge the community area for Chailey Secondary School to encompass the villages of Ditchling and Streat (creating a shared area with Priory School and a three-way shared area with Downlands Community College in Hassocks in respect of the village of Ditchling) is designed to ensure that children living in these villages are able to access places at a more local school. This should not impact negatively on other children living in the Chailey area as the school is currently able to accommodate numbers of children living outside the community area without exceeding its PAN.

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 2019 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 few responses to the consultation, although these were largely positive.

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 64,845 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:	6701
KS1:	11,298
KS2:	21,840
KS3:	14,689
KS4:	9,388

Special Schools:

Foundation Stage:	56
KS1:	82
KS2:	236
KS3:	319
KS4:	236

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 Stone Cross/Hankham 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. Primary school aged children living in the Rodmell area will be positively impacted by this change as they will have a school to attend. Secondary School age children living in Ditchling and Streat will be enabled to access a more local school.

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. **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 the areas detailed above, 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 may 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 in respect of Hankham and Stone Cross, but this will be balanced out by other families who will receive a better offer than they would otherwise have had.

d) 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.

e) Provide details of the mitigation.

There will be no need for mitigation as it is not anticipated that any families will be adversely affected. Those families (if any) who are unable to be offered a school of their preference as a result of this change will all be living outside the community area and would never have had priority for admission to these schools.

f) 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 living in the rural area served by Hankham Primary School will now have the additional security of priority for places at Stone Cross Primary School. Children living in the rural area formerly served by Rodmell CE School will have the security of priority for places at Iford and Kingston CE School. Children living in the rural area of Ditchling and Streat will have added priority for Chailey Secondary School. Children, families and school in other rural communities are unaffected by these changes.

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 the affected rural areas will be positively affected by the area changes. Families living in other rural areas will be unaffected.

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

Positive in the case of those living in the rural areas concerned, neutral (ie no impact) in other rural areas.

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

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.	<p>The changes to admissions arrangements should help ensure that all children are able to attend their nearest local school.</p> <p>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.</p>
	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.	
	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	
	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.

Equality Impact Assessment

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 2019, the policy will be implemented in time for admissions to schools in 2019. A further consultation process will then be carried out in Autumn 2018 for admissions to schools in 2020, and each year thereafter.

Date completed:	30/1/18	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			

(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)