

Equality Impact Assessment

Project or Service Template

Name of the proposal, project or service
Proposed SEN (Special Educational Needs) facility at Peacehaven Heights Primary School

File ref:	Proposed SEN facility at Peacehaven Heights Primary School	Issue No:	1.0
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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, project or service. 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 21stCentury Families and Communities, 2008]
- Literacy/Numeracy Skills

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- 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.

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- 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, project or service

2.1 What is being assessed?

a) Proposal or name of the project or service.

Proposed SEN facility at Peacehaven Heights Primary School

b) What is the main purpose or aims of proposal, project or service?

The proposal is to establish a specialist facility to accommodate 8 to 10 Key Stage 2 pupils at the Peacehaven Heights Primary School junior site in Hoddern Avenue. The facility would provide for pupils with a primary need of Autism Spectrum Disorder (ASD), although pupils may present with a complex range of need that would be accommodated by the facility. There is already a specialist facility for pupils at Peacehaven Community School. Developing a primary facility in close proximity to the existing secondary school facility would allow progression for pupils and continuity of support to aid the transition of pupils for whom a secondary facility is the most appropriate next stage. This would assist in reducing the increasing trend of transition from mainstream primary school to special secondary schools. For some pupils, providing early intervention at primary phase through a facility place, would address needs and enable transition to mainstream secondary school.

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

Gary Langford, Place Planning Manager, Standards Learning & Effectiveness Service.

The EIA was contributed to by the relevant local authority teams and services.

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

The proposal is about providing specialist educational provision within the school for Key Stage 2 children with Education, Health and Care plans (EHCPs) with a primary need of ASD.

Pupils within the facility would be on the roll of the mainstream school and would be in addition to the published admission number. Placements are determined by the Council according to clear criteria, and would be drawn from a wider geographical area than the school's usual community area on a needs basis.

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

There is a statutory responsibility on the Council to ensure the sufficient supply of school places in its area. There is space available in the Peacehaven Heights Primary School junior building which would be used to accommodate the new facility. The specialist facility would be integral to the operation of the school and, as a result, would be managed by the headteacher, governors and the senior leadership team.

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

N/A

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

The Council has a statutory duty to ensure there are sufficient school places available to meet current and future demand for places.

Proposed changes to the organisation of schools have to follow a prescribed process established in Section 19 (1) of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

Background documents:

The Education Commissioning Plan 2017-2021 available on the ESCC website at:

<https://www.eastsussex.gov.uk/educationandlearning/management/download/>

Department for Education statutory guidance on making significant changes (prescribed alterations) to maintained schools:

<https://www.gov.uk/government/publications/school-organisation-maintained-schools>

2.6 How do people access or how are people referred to your proposal, project or service? Please explain fully.

The Council consulted with key stakeholders and interested parties over a ten week period between 6 July and 14 September 2018 on the proposal. The consultation document was available on the ESCC website at:

<https://consultation.eastsussex.gov.uk/>

On 18 October 2018, the Lead Member for Education and Inclusion, Special Needs and Disability approved the publication of statutory notices in relation to the proposal. The statutory notice was published in the Sussex Express on 2 November 2018, triggering a further four week period of consultation during which further comments or objections could be submitted. The Lead Member will consider any responses received during this time before making a final decision on whether to approve the expansion, subject to planning permission.

2.7 If there is a referral method how are people assessed to use the proposal, project or service? Please explain fully.

The proposal relates to provision of special educational needs facilities for pupils with a primary need of Autistic Spectrum Disorder (ASD). The specialist facility would principally be for identified pupils with an Education, Health and Care Plan (EHCP) naming ASD as their specific primary Special Educational need (SEN) although pupils may present with a complex range of need that would be accommodated by the facility.

2.8 How, when and where is your proposal, project or service provided? Please explain fully.

The Council anticipates that the new facility would be established on 1 January 2019.

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 X 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
	Complaints		Risk Assessments
	Service User Surveys		Research Findings
x	Census Data	x	East Sussex Demographics
	Previous Equality Impact Assessments		National Reports
	Other organisations Equality Impact Assessments		Any other evidence?

3.2 Evidence of complaints against the proposal, project or service on grounds of discrimination.

None received to date

3.3 If you carried out any consultation or research on the proposal, project or service explain what consultation has been carried out.

Refer to 2.6 above.

3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the proposal, project or service?

The proposal will have a positive impact for the wider local community as it will enhance existing provision and ensure that the Council’s aspiration that specialist facilities promote an ethos of inclusion and help to integrate their pupils into the mainstream school for as much of their learning time as their needs allow is met.

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?

Peacehaven Heights Primary School is in the ward of Peacehaven West within Lewes District. In 2017, there were estimated to be 8,157 children and young people aged 4-10 in Lewes District. In Peacehaven West there were an estimated 344 children and young people aged 4-10.

In the three wards of Peacehaven combined (East, North and West) there were an estimated 1,257 children and young people aged 4-10.

(Source: ONS, mid-year estimates released October 2018)

At the January 2018 school census date, around 34% of the 3,022 school-aged children with EHCPs maintained by East Sussex were educated in maintained special schools / special academies with around a further 7% in independent and non-maintained special schools. Linked to wider rising trends in numbers with EHCP's the numbers of children and young people requiring special school places is also forecast to rise, from 1,253 in 2017/18 to 1,461 in 2020/21, an increase of 198 (16%). This represents continued pressure and demand for more special school places.

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

The proposal will predominantly affect children of primary school age in the wider local community

c) What is the proposal, project or service's impact on different ages/age groups?

Developing a primary facility in close proximity to the existing secondary school facility would be seen as having a positive impact as it would allow progression for pupils and continuity of support to aid the transition of pupils for whom a secondary facility is the most appropriate next stage. This would assist in reducing the increasing trend of transition from mainstream primary school to special secondary schools. For some pupils, providing early intervention at primary phase through a facility place, would address needs and enable transition to mainstream secondary school.

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

We do not believe any actions are necessary in relation to this proposal.

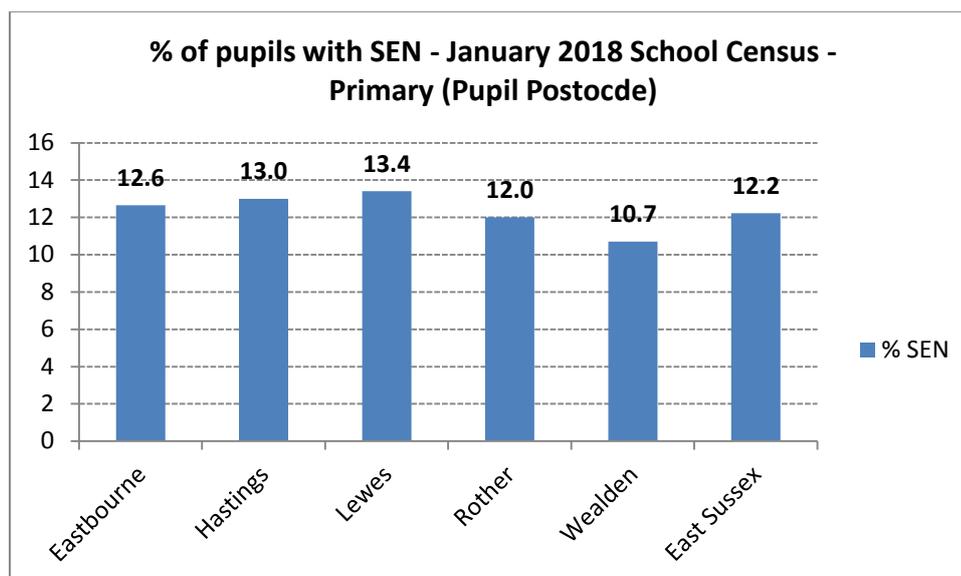
4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

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

The following chart shows the percentage of children recorded as having Special Educational Needs (SEN) in the January 2018 school census (children attending East Sussex maintained primary schools and academies).

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District/ Borough information relates to the pupil's home address as reported in the January 2018 school census.



At the January 2018 school census there were 8,712 children recorded as having SEN (of which 148 reside outside of East Sussex). The number who resides in the Lewes District was 1,671. (Pupils who reside in East Sussex, but are not educated in a state-funded school in East Sussex are not included in this analysis).

Disability projections published on East Sussex in Figures (ESiF) in 2016 put the total number of people with a disability in East Sussex at 94,227 for 2018. The figure for Lewes District is 16,801

Dataset: Disability projections (dwelling-led), 2016-2031 - districts

ESCC Projections June 2018

Geography: Mixed | Year | Age group: All Ages | Category: Overall disability | Measure: Number of people with disability

Year	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
East_Sussex	92,187	93,127	94,227	95,461	96,992	98,496	100,025	101,715	103,399	105,078	106,713	108,375	109,972	111,621	113,245	114,890
Eastbourne	18,117	18,218	18,345	18,510	18,713	18,899	19,116	19,344	19,563	19,789	20,009	20,241	20,475	20,716	20,955	21,196
Hastings	16,746	16,876	17,055	17,257	17,514	17,740	17,945	18,194	18,415	18,636	18,869	19,092	19,279	19,518	19,755	19,985
Lewes	16,375	16,563	16,801	17,048	17,371	17,690	18,024	18,391	18,709	19,004	19,280	19,566	19,858	20,140	20,419	20,730
Rother	17,469	17,646	17,823	18,001	18,234	18,479	18,708	18,975	19,306	19,641	19,962	20,272	20,558	20,849	21,135	21,422
Wealden	23,481	23,825	24,204	24,645	25,159	25,688	26,232	26,811	27,406	28,008	28,594	29,205	29,801	30,398	30,981	31,557

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

The current SEN data for Peacehaven Heights Primary School shows that the percentage of SEN pupils at the school is 18.7% (83 out of 443). This is significantly higher in comparison to the East Sussex primary schools overall of 12.2%.

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

The proposal will predominantly affect children of primary school age in the wider local community with SEN and/or disability

d) What is the proposal, project or service's impact on people who have a disability?

The proposal will have a positive impact as there will be more places available to address the gap in specialist provision in mainstream primary schools for pupils with a primary need of Autism Spectrum Disorder (ASD) in the Peacehaven area. The specialist facility would principally be for identified pupils with an EHCP naming ASD as their specific primary SEN although pupils may present with a complex range of need that would be accommodated by the facility

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

We do not believe any actions are necessary in relation to this proposal.

f) Provide details of any mitigation.

The specialist facility would be integral to the operation of the school and, as a result, would be managed by the headteacher, governors and the senior leadership team.

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

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

The vast majority of pupils in East Sussex (81.3%) according to the January 2018 school census are of White British Heritage. This is significantly below that of the whole population across the County based on the 2011 census. 17.2% of the pupils who attend the school are from a Black and Ethnic (BME) minority background. Across Lewes district 11.6% of the school population is BME. (13.6% in primary schools)

Data for Peacehaven Heights Primary School indicates that the percentage of pupils with English as an Additional Language (EAL) is 9.9% (years R-6). This is higher than the East Sussex primary schools overall of 6.5%.

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

Data for the school indicates that BME and EAL children are over-represented at Peacehaven Heights Primary School in comparison with the county wide and district level percentages.

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

Yes – as BME and EAL pupils are over-represented in the school.

d) What is the proposal, project or service's impact on those who are from different ethnic backgrounds?

BME and EAL pupils are over-represented in the school, if compared to the East Sussex BME and EAL pupil population in other primary schools.

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Therefore, there is also a higher overall positive impact of the proposal on the protected equality characteristic of 'race'.

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?

The percentage of pupils attending the school who are male is 53.7% and female 46.3%. This compares to the East Sussex figures of male 51.8% and female 48.2%

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

There is higher proportion of males at the school than the county profile however males and females attending the school will be educated together and it is not considered that this will have a significant impact even if the proportion remains the same after implementation of the proposal.

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

We do not believe that people with the protected characteristic will be more affected by the proposal than those in the general population who do not share that protected characteristic.

d) What is the proposal, project or service's impact on different genders?

We do not believe there will be an impact on different genders

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?

We do not consider marital status/civic partnership characteristics to be relevant to the proposal.

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?

We do not consider pregnancy and maternity characteristics to be relevant to the proposal.

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

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

This data is not collected at school level.

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- b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

N/A

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

N/A

- d) What is the proposal, project or service's impact on the people with different religions and beliefs?**

N/A

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

We do not believe any actions are necessary in relation to this proposal.

- f) Provide details of any mitigation.**

N/A

- g) How will any mitigation measures be monitored?**

N/A

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?**

We do not consider sexual orientation characteristics to be relevant to the proposal.

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

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

As at the January 2018 school census, 27.1% of Peacehaven Heights Primary School pupils are Ever6FSM in comparison to 20.7% of all pupils in East Sussex primary schools. Nationally in Primary schools the figure is 23.3%. A pupil who is described as 'Ever6FSM' means that within the last 6 years the pupil has at some point been eligible for receiving Free School Meals (FSM).

- b) How is this group/factor reflected in the population of those impacted by the proposal, project or service?**

Data for the school indicates that Free Schools Meals children are over-represented at Peacehaven Heights Primary School in comparison with the pupil population in East Sussex as a whole.

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

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Yes – as FSM pupils are over-represented in the school.

d) What is the proposal, project or service’s impact on the factor or identified group?

FSM pupils are over-represented in the school, if compared to the East Sussex FSM pupil population in other primary schools. Therefore, there is also a higher overall positive impact of the proposal on this group.

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

We do not believe any actions are necessary in relation to this proposal.

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, project or service may potentially interfere with a human right.**

This proposal supports Protocol P1.A2 Right to education (e.g. access to learning, accessible information)

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

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	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 mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
X	<p>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>	<p>The aspiration in East Sussex is that specialist facilities promote an ethos of inclusion and help to integrate their pupils into the mainstream school for as much of their learning time as their needs allow. The facility should also provide access to a base within the school for more intensive support when required.</p>
	<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.</p>	<p>The East Sussex model increasingly expects that the expertise of staff within the facility provide significant benefits to the rest of the school and other schools in the local area to support all pupils with SEN and create a fully inclusive learning environment. The development of new specialist provision in mainstream schools is facilitating further development of school to school partnerships through a strategic governance group. A revised service level agreement determines the outcomes for all facilities. Developing a primary facility in close proximity to the existing secondary school facility would be seen as having a positive impact as it would allow progression for pupils and continuity of support to aid the transition of pupils for whom a secondary facility is the most appropriate next stage. This would assist in reducing the</p>
	<p>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</p>	
	<p>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.</p>	

		<p>increasing trend of transition from mainstream primary school to special secondary schools. For some pupils, providing early intervention at primary phase through a facility place, would address needs and enable transition to mainstream secondary school.</p> <p>As the school has a disproportionately higher percentage of BME/EAL and FSM pupils, in comparison with the East Sussex average for primary schools, the proposal also has a higher positive impact on these equality groups.</p>
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5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, project or service?

The Governing Board of the school will evaluate attainment and other outcome data of the pupils supported by the SEN

5.6 When will the amended proposal, proposal, project or service be reviewed?

Date completed:	November 2018	Signed by (person completing)	<i>Catherine Denyer</i>
		Role of person completing	Project Officer
Date:	November 2018	Signed by (Manager)	<i>Gary Langford</i>

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)

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)