

Equality Impact Assessment

Note: this Assessment was prepared in the autumn of 2012. It has been reviewed and updated in the light of the need to re-commence the procurement process following the government's announcement on the extension of free meals to all infant pupils from September 2014. In all material respects the analysis from autumn 2012 is fully applicable to the proposed new tender.

Stewart King, November 2013

Relating to: Primary and Special School Meals Contract

Date:

Introduction

This Impact Assessment supports the County Council in meeting its legal obligations under the **Public Sector Equality Duty**, now contained in section 149 of the Equality Act 2010. The Equality Duty ensures that public bodies have due regard to the statutory needs referred to in section 149 when exercising their functions.

Section 149 provides that in exercising its functions an authority must have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- foster good relations between people who share a protected characteristic and those who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it involves having due regard (in particular) to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and

- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and those who do not share it involves having due regard (in particular) to the need to tackle prejudice and to promote understanding.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled person's disabilities.

Compliance with the duties in section 149 may involve treating some persons more favourably than others; but not if that would itself involve conduct which is made unlawful under the Equality Act 2010.

The protected characteristics to which the duty applies are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, also marriage and civil partnership but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard to** means consciously thinking about the statutory needs as part of the process of decision making, when the proposals are still at a formative stage, and before a decision is reached. This means that consideration of those equality issues must influence the decisions reached by public bodies. The Equality Duty must be exercised in substance, with rigour and with an open mind.

Indirect discrimination occurs where a condition criterion or practice is applied which would put people with one of the protected characteristics at a disadvantage, and the imposition of that condition, criterion or practice is not a proportionate means of achieving a legitimate aim, i.e. it cannot be objectively justified.

It is important to understand and consider how different people will be affected by the decisions the Council makes, so that policies and services are appropriate and accessible to all and meet different people's needs.

This assessment will help you think about the potential impact your proposals will have on all sections of the community. Recognising these impacts early on in the process of developing policies will assist good decision making and ensure that the County Council delivers services appropriate to people's needs. Remember that the Equality Duty involves having due regard to the needs to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, as well as to eliminate discrimination and other conduct which is unlawful under the Equality Act 2010.

1. Person responsible for undertaking this assessment:

Name: Kirsty Pritchard	Telephone: 01452 427302
Service: Commissioning	E-mail: kirsty.pritchard@gloucestershire.gov.uk
	Date of Assessment:

2. Name and brief description of the policy, service, strategy, procedure or function: (indicate whether new or revised)

To let a Group Primary and Special School Contract to provide hot school meals cooked onsite in the majority of schools and where necessary provide a delivered meals service for schools which do not have kitchen facilities. By providing a group contract schools can join together to benefit from the economies of scale and reduced management responsibilities which create a viable school meals service. A Group Contract supports lower costs for both free and paid meals, whilst providing good quality meals in our schools to ensure the most vulnerable children can access a nutritious lunchtime meal.

The current contractor delivers 10,000 meals per day, to 180 schools.

To achieve maximum value for money whilst ensuring a healthy diet, and food that is inclusive of cultural heritage, it is recommended that a five year contract with an option to extend a further two years, is the optimum approach to the tender.

September 2013 the Deputy Prime Minister announced that all infant pupils in state primary and special schools will be entitled to a free school meal from September 2014. Following this announcement it was agreed that the current tender process for the county school meals framework contract had to be cancelled as the volumes of service doubled the size of the advertised contract. A new OJEU tender process is therefore required alongside a single tender negotiated contract with the existing provider between April 2014 and July 2014. We predict from initial analysis that over 13,000 additional meals will be required. Details about how the new infant FSM entitlement will be funded are due to be announced in the Chancellor's Autumn Statement on 4th December 2013.

3. Briefly describe its aims and expected outcomes

To undertake this contract to Gloucestershire's Primary and Special School pupils, the provider will need to:

- provide hot school meals for primary and special schools
- provide Free School Meal services and an affordable paid service
- the meals will need to be cooked on site or offer a delivered service to all schools
- meet nutritional standards
- offer quality meals that are sustainable and value for money
- emphasis will need to be on locally sourced produce
- contract management and monitoring

To be able to manage the contract effectively, data from the Online School Pupil survey has been interrogated and findings used to support what pupils require for their school meals. New Consultation will take place in January 2014 following the Autumn Statement with Head Teachers and Governors to establish what provision is needed to extend the school meals service to provide free meals to all infant pupils and will explore how this will operate in an efficient and effective manner.

The benefits of this county school meals framework contract are:

- provision of a free school meals service for all schools that require them
- increase in number registering for FSM thereby increasing Pupil Premium funding available for schools
- improving public health outcomes and reducing inequalities in health
- Economies of scale and cross subsidies for large and small schools
- Dedicated specialist management team with small overhead costs
- One specialist nutritional analysis function
- Improved purchasing power
- Training for catering staff
- Meets legal and health and safety requirements
- Hot meals cooked on site and a delivered service for schools without kitchen facilities
- Educational benefits by increasing children's concentration, improving in their behaviour in class, and improving in their chances of doing well and achieving their best at school
- Provides pupils with the opportunity for learn to eat communally, to eat with a knife and fork at a table.

4. Describe how this policy will impact on the Council's duty to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations

Identify what particular groups of people will be affected by this policy.

Everyone needs a healthy diet, but for children it is especially important. Eating healthily improves the short-term health of children, allows them to grow and develop properly, and helps to avoid chronic disease later in life. Research has shown that a school meal can also help improve children's concentration, achievement and behaviour.

Health and nutrition are an important part of the national curriculum. There is increasing recognition of the importance of healthy eating to public health and children must be educated so they can make informed healthy eating choices now and in the future. It is important that the lessons of the classroom and the meals provided in school do not carry contradictory messages.

Meals are socially important and food is part of our cultural heritage. Learning to eat communally will help children to play a responsible and valuable role in society later in life. Developing an appreciation of food and its simple pleasures can greatly improve one's quality and enjoyment of life.

5. Provide details of the evidence you have gathered in making this assessment, including data sources, consultation undertaken and the outcome/s of this.

Consultation has been undertaken with Schools, parents and pupils a detailed report is available of this consultation process and outcomes.

Key results from the 3 consultation groups

Schools

- 80% of schools indicated that they wish to be included in any future county school meals contract. 7% are looking at other options and 13% have not yet made a decision.

Parents

- 89% stated overall impression of current meal service as good or ok
- 88% stated 'Quality of food' as good or ok
- 87% stated 'Value for money' as good or ok

Pupils

PRIMARY SCHOOLS	RATING	2006	2012	Percentage increase
Food on offer in school allows you to eat healthily	Usually and most of the time	53%	75%	22%
Look of the food	Good and very good	44%	60%	16%
Taste of the food	Good and very good	48%	66%	18%
Choice of the food	Good and very good	48%	62%	14%
Amount of food	Good and very good	12%	57%	45%

6. Is this Policy affected by, or will it have an impact on other Meeting the Challenge proposals? Yes/No. (If yes, please specify relevant project and indicate how it is affected).

No

7. Where any particular group is affected differently by the policy in either a negative or a positive way, if you identify a negative impact, explain what actions you have undertaken or you plan to undertake, including consideration of any alternative proposals, to lessen or negate this impact.

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring.
Age		✓		Positive impact on primary aged children accessing school meals.		
Disability (indicate different impacts on different types of disability)		✓		Special Schools are included in the county contract and may not have a viable service if this contract was not in place.		
Gender reassignment			✓	No discernable affects from this policy were identified to the school aged population. Schools have a range of policies in		

				place to address issues: Equal Opportunities and anti-Discrimination anti-bullying policies		
Marriage & civil partnership			✓	No discernable affects from this policy were identified to the school aged population		
Pregnancy & maternity			✓	No discernable affects from this policy were identified to the school aged population		
Race (including Gypsy & Traveller)			✓	No discernable affects from this policy were identified to the school aged population		
Religion or Belief		✓		County contract recognises and provides food to meet menu's for religious beliefs		
Sex			✓			
Sexual Orientation			✓	No discernable affects from this policy were identified to the school aged population. Schools have a range of policies in place to address issues: Equal Opportunities and anti-Discrimination anti-bullying policies		
Indirect Discrimination						

Other groups: e.g. rural isolation, long term unemployed, health inequality, carers						
Socio-economically deprived groups		✓		GCC provides wider access to Free School Meals (daily cooked food)		
Community Cohesion	<p>Provide details of any ways in which the proposed activity would promote equality in the community between those who share a protected characteristic and those who do not, and how it would promote good relations between such groups</p> <ul style="list-style-type: none"> • Is there equality between those who will and won't benefit from the proposal? • Are there strong relationships between groups and communities in the area affected and will the proposed action promote positive relationships? • Does the proposal bring groups/communities into increased contact with each other? 					

Declaration

We are satisfied that an Assessment has been carried out and where a negative impact has been identified, actions have been developed to lessen or negate this impact where possible.


Where the impact on equalities of the policy or proposals is very significant, and mitigating actions do not sufficiently lessen the impact, or mitigating actions cannot be identified, we have considered whether to go ahead with the original proposal at all, or whether to reformulate it.

We understand that the Equality Impact Assessment is required by the County Council and that we take responsibility for the completion and quality of this assessment.

Completed by:  STEWART KING

Date: 22 NOVEMBER 2013

Role: LEAD COMMISSIONER FOR EDUCATION AND SKILLS

Countersigned by Head of Service: 

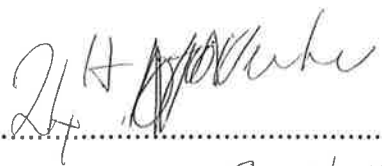
Date: 26/11/13

Name of relevant Portfolio Holder/Cabinet Member: Cllr Paul McLain

I confirm that I have examined and understood the potential impact of the proposal and confirm that I have had due regard to the needs set out in section 149 of the Equality Act 2010.



..... Portfolio Holder/Cabinet Member

Date:  2013
24.11.13