

Equality Impact Assessment

Relating to: Gloucestershire's Co-ordinated Admission Scheme and Admission Arrangements for Community & Voluntary Controlled Schools – 2013/14 academic year

Date: 1st March 2012

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:

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Service: Admission & Transport Team	E-mail: amanda.johns@gloucestershire.gov.uk
	Date of Assessment: 1 March 2012

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

Co-ordinated Admissions Scheme and Local Authority Admission Arrangements - existing policy with new amendments in accordance with statutory duties.

3. Briefly describe its aims and expected outcomes

The co-ordinated scheme outlines the admission process for children starting primary school, transferring to a junior school from an infant school and transferring to secondary school. The co-ordinated scheme continues to work with all community, voluntary controlled, voluntary aided, foundation and trust schools and academies.

The Local Authority admission arrangements further details how school places will be allocated for community and voluntary controlled schools in line with the co-ordinated scheme.

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.

Parents and Carers of all children applying for school places will be affected by the co-ordinated scheme and the admissions arrangements.

The co-ordinated scheme is to ensure that all children applying for school place are treated in a fair and consistent manner and that all places are offered in strict accordance with the published admission arrangements so that no child is disadvantaged through the process. The scheme also aims to ensure that there is a fair, consistent and co-ordinated process.

The Local Authority admission arrangements state how children will be given priority for available school places in community and voluntary controlled schools to ensure that parents/carers can make informed decisions before applying for school places and that every application is treated in a fair and transparent manner.

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

The legislation and guidance provided by the DFE and the revised School Admissions Code 2012 and the School Admissions Appeals Code 2012 have been valuable tools to ensure that the scheme and arrangements will remain fair and transparent. Previous administration of the school admission processes and availability of school places has also been used to develop the scheme and arrangements.

The co-ordinated scheme and the admission arrangements have been consulted upon between 4th January and 28th February 2012, in accordance with the Local Authorities statutory duties under the School Admission Code.

These policies were made available to Schools, Academies and Governing Bodies (through Heads Up and What's Up Gov), neighbouring authorities, parents/carers and other interested parties (through a Press Notice and publication on the GCC website) and formed part of consultation events for schools and parents/carers in January. These policies were presented to the Admission Forum as part of the consultation process. The outcome of the consultation will determine the admission arrangements for Voluntary Controlled and Community Schools in Gloucestershire, and the co-ordinated scheme for Gloucestershire for September 2013. The Admission Arrangements and Scheme will be determined by 15th April 2012.

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			✓	The co-ordinated scheme means that all children are found a school place relevant to their age. Provisions are made in the co-ordinated scheme for early or delayed entry to schools if this is believed to be in the best interests of the child.		
Disability (indicate different impacts on different types of disability)		✓		If a child has a statement of special educational needs they will be placed within schools in accordance with the SEN Code of Practice and these policies will not apply. Under the coordinated scheme no school can refuse to admit a child who has a disability as long as reasonable adjustments can be made if necessary. Under the Disability Discrimination Act and Access Fund support all schools can accommodate children with additional needs.		
Gender reassignment			✓	Applications for school places do not require parents/carers to provide such detail and the scheme and admission arrangements ensure that no child is disadvantaged due to gender reassignment.	It is accepted that further work in schools may be beneficial to ensure that parents/carers are not deterred from making an application.	The Admissions & Transport team to monitor on an ongoing basis as part of parental support and admissions policing role.

Marriage & civil partnership			✓	Applications for school places do not require parents/carers to provide such details and the scheme and admission arrangements ensure that no child is disadvantaged due to the marital status of their parent/s.		
Race (including Gypsy & Traveller)		✓		Applications for school places do not require parents/carers to provide this information and the scheme and admission arrangements ensure that no child is disadvantaged. Partnership working with EWS and the Traveller Service ensures that these children are found an appropriate school place. Objective admissions criteria ensures that children from these groups are treated equally but also recognises that additional steps can be taken to secure appropriate education for these children.		
Religion or Belief			✓	The co-ordinated scheme and LA admission arrangements ensure that no child can be refused a school place on the basis of their (or their families) religion or belief and this information is not requested for non-faith schools. Faith schools can prioritise application from families practising their faith (to provide appropriate faith education for those who feel this is necessary) but this is publicised for fairness and transparency. The Diocesan authorities also work closely with the Admissions Forum and the LA to ensure that the needs faith children are met but that other children are not disadvantaged.		

Sex			✓	The scheme and admission arrangements mean that no applications for school places give regard to gender issues (with the exception of single sex schools which publicise their education provision) and there is a balance of education available for all children.		
Sexual Orientation			✓	The co-ordination of admissions ensures that no school can take a child's (or their parents/carers) sexual orientation into account as this information is not gathered or used in the application process.	It is accepted that further work in schools may be beneficial to ensure that parents/carers are not deterred from making an application.	The Admissions & Transport team to monitor on an ongoing basis as part of parental support and admissions policing role.
Rural Isolation			✓	As part of the coordinated scheme, all children refused a place at their local school are investigated prior to allocation. Where pupils could have a disproportionate journey to an alternative school, arrangements are made on case by case basis to consider expanding capacity as necessary. During this process, we consider any pupils who may be disadvantaged by rural isolation, ensuring that while pupils from rural areas are considered, other children are not disadvantaged.		

Service Families		✓		All admission authorities in Gloucestershire recognise the particular needs of Service Families and work with the local protocol - Children of UK Service Personnel and Other Crown Servants (including Diplomats). This protocol allows Service Families to use a posting address prior to moving to the county. This protocol is publicised to ensure transparency. Close links are in place with Children's Education Advisory Service (CEAS) and Service Family Representative to ensure ease of access.		
Socio-economically deprived groups		✓		Criterion within the admission arrangements uses a distance measurement or catchment area (for secondary schools) and attempts to offer school places to those children living nearer the school, therefore reducing possible transport costs and promoting access to children from socio-economically deprived backgrounds. Under the co-ordinated scheme, any pupil whose parent does not apply for a school place will be automatically allocated their nearest school with space available to protect educational access.		
Family Cohesion		✓		The definition of the term sibling ensures the consideration of the modern family unit including step, half or adopted siblings as well as the child of the parent's/carer's partner, as long as living at the same address. This ensures that the modern day family is not disadvantaged. All our schools give priority to siblings above other children.		
Families with Looked after children		✓		Under the new Admissions Code, the Looked After Children category has been enhanced to include previously Looked After		

				Children which means children who were looked after, but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order) immediately following having been looked after. This amendment has ensured the partnership with the Admissions Team and the Adoption Team is developed to safeguard all children under this vulnerable category.		
Community Cohesion		✓		Criteria which uses a distance measurement or catchment area (for secondary schools) attempts to offer school places to those children living nearer the school. This would strengthen community links by bringing parents/carers and their children together through the school. The priority given to siblings of current pupils also provides a way of continuing family links with a school throughout their children's education. Families moving into the area outside of the normal admissions round may be disadvantaged if there are no places available at their local school and for health and safety or resource reasons the school cannot provide a place for their child. Parents/carers are therefore encouraged by the County Council to consider school availability alongside any planned relocation. The County Council offers advice to parents and carers, and maintains data regarding school capacity.		

Declaration

Version: January 2012

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: Amanda Johns

Date: 1st March 2012

Role: Development, Appeals & Policy Manager

Countersigned by Head of Service:

Date:

Name of relevant Portfolio Holder/Cabinet Member: Councillor Jackie Hall

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: