

Equality Impact Assessment

Relating to: Alternative provision

Date: 20 February 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:

Name: Cerian Price	Telephone: 5769
Service: Commissioning	E-mail: cerian.price@gloucestershire.gov.uk

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

Provision of Alternative Education provision

3. Briefly describe its aims and expected outcomes

The primary objective of Alternative Provision is to offer improved social and educational outcomes for young people who are out of mainstream education and at risk of educational and/or social exclusion.

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.

The majority of students benefitting from this framework have histories of disturbed education, poor attendance and very low levels of prior attainment. Many will have special educational needs and many face severe barriers to learning, including emotional, social and behavioural difficulties

The Alternative Provision Framework is designed to meet the needs of children and young people who are:

- Permanently excluded from school; or
- Excluded from school on a fixed-term basis; or
- At risk of disengaging from mainstream education and/or being excluded
- Require additional support during a negotiated transfer between mainstream schools
- May not be attending school due to long-term illness, teenage parenthood, bullying or other conditions.
- Otherwise require alternative education provision to meet their educational entitlement, for instance in line with a Statement of Special Educational Needs or is a Child in Care with no school place

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

This framework has been developed in conjunction with the Pupil Referral Service, Department of Education requirements and the GCC commissioning team. Research and feedback has been sourced from existing providers, other authorities and the Department of Education in developing the specification for this framework of provision

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 14-19		<ul style="list-style-type: none">• swifter referral & placement of young people• Improved range of education provision,• improved		By pre-agreeing contracts with suppliers, we will <ul style="list-style-type: none">• allow more efficient and timely placements of vulnerable pupils into educational provisions• Enable more comprehensive monitoring of		Named individuals at PRU's or schools commissioning the services, will monitor progress of the young people they have placed.

		quality of provision		outcomes for young people <ul style="list-style-type: none">• Offer greater quality control and assurance for commissioners of alternative education placements• Explore the market for wider range of alternative suppliers - potentially offering meaningful and engaging education opportunities to those disengaged from mainstream provision		
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Disability (indicate different impacts on different types of disability)		✓		Emphasis on personally tailored education will allow for appropriate consideration of an individual's special needs		
Gender reassignment			✓			
Marriage & civil partnership			✓			
Pregnancy & maternity		✓		Emphasis on personally tailored education will allow for appropriate consideration of an individual's special needs – allowing a continuation of education – particularly where teenage parenting may make this difficult		
Race (including Gypsy & Traveller)			✓	This project will not discriminate on grounds of race		
Religion or Belief			✓	This project will not discriminate on grounds of religion or belief		

Sex				<p>The majority of students benefitting from this framework have histories of disturbed education, poor attendance and very low levels of prior attainment. Many will have special educational needs and many face severe barriers to learning, including emotional, social and behavioural difficulties</p> <p>They may face difficulties in mainstream school including difficulty integrating, bullying or fears that may stem from these (or a range of other social or economic factors)</p>		
Sexual Orientation						
Indirect Discrimination						
Other groups: e.g. rural isolation, long term unemployed, health inequality, carers						
Socio-economically deprived groups						
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>			<p>Alternative education provision emphasise the needs</p> <ul style="list-style-type: none"> - Education that encourages positive behaviour, & interaction and recognises the importance of raising 		

	<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? 	<p>self esteem and self awareness</p> <ul style="list-style-type: none"> - Education that promotes attainment and individual achievement - Encourages and actively promotes, re-engagement with mainstream education where possible - Access to post-16 opportunities including college placements and employment. - Arrangement and monitoring of work experience opportunities 		
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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.

Version: January 2012

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: Cerian Price Date: 20.02.2012

Role: Commissioning Officer

Countersigned by Head of Service: Date:

Name of relevant Portfolio Holder/Cabinet Member: Jackie Hall, Lead Cabinet Member for Education and Skills

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: