

## Equality Impact Analysis to enable informed decisions

### The purpose of this document is to:-

- I. help decision makers fulfil their duties under the Equality Act 2010 and
- II. for you to evidence the positive and adverse impacts of the proposed change on people with protected characteristics and ways to mitigate or eliminate any adverse impacts.

### Using this form

This form must be updated and reviewed as your evidence on a proposal for a project/service change/policy/commissioning of a service or decommissioning of a service evolves taking into account any consultation feedback, significant changes to the proposals and data to support impacts of proposed changes. The key findings of the most up to date version of the Equality Impact Analysis must be explained in the report to the decision maker and the Equality Impact Analysis must be attached to the decision making report.

**\*\*Please make sure you read the information below so that you understand what is required under the Equality Act 2010\*\***

### Equality Act 2010

The Equality Act 2010 applies to both our workforce and our customers. Under the Equality Act 2010, decision makers are under a personal duty, to have due (that is proportionate) regard to the need to protect and promote the interests of persons with protected characteristics.

### Protected characteristics

The protected characteristics under the Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

### Section 149 of the Equality Act 2010

Section 149 requires a public authority to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by/or under the Act
- Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share those characteristics
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The purpose of Section 149 is to get decision makers to consider the impact their decisions may or will have on those with protected characteristics and by evidencing the impacts on people with protected characteristics decision makers should be able to demonstrate 'due regard'.

### **Decision makers duty under the Act**

Having had careful regard to the Equality Impact Analysis, and also the consultation responses, decision makers are under a personal duty to have due regard to the need to protect and promote the interests of persons with protected characteristics (see above) and to:-

- (i) consider and analyse how the decision is likely to affect those with protected characteristics, in practical terms,
- (ii) remove any unlawful discrimination, harassment, victimisation and other prohibited conduct,
- (iii) consider whether practical steps should be taken to mitigate or avoid any adverse consequences that the decision is likely to have, for persons with protected characteristics and, indeed, to consider whether the decision should not be taken at all, in the interests of persons with protected characteristics,
- (iv) consider whether steps should be taken to advance equality, foster good relations and generally promote the interests of persons with protected characteristics, either by varying the recommended decision or by taking some other decision.

## **Conducting an Impact Analysis**

The Equality Impact Analysis is a process to identify the impact or likely impact a project, proposed service change, commissioning, decommissioning or policy will have on people with protected characteristics listed above. It should be considered at the beginning of the decision making process.

### **The Lead Officer responsibility**

This is the person writing the report for the decision maker. It is the responsibility of the Lead Officer to make sure that the Equality Impact Analysis is robust and proportionate to the decision being taken.

### **Summary of findings**

You must provide a clear and concise summary of the key findings of this Equality Impact Analysis in the decision making report and attach this Equality Impact Analysis to the report.

## Impact – definition

An impact is an intentional or unintentional lasting consequence or significant change to people's lives brought about by an action or series of actions.

### How much detail to include?

The Equality Impact Analysis should be proportionate to the impact of proposed change. In deciding this asking simple questions “Who might be affected by this decision?” “Which protected characteristics might be affected?” and “How might they be affected?” will help you consider the extent to which you already have evidence, information and data, and where there are gaps that you will need to explore. Ensure the source and date of any existing data is referenced.

You must consider both obvious and any less obvious impacts. Engaging with people with the protected characteristics will help you to identify less obvious impacts as these groups share their perspectives with you.

A given proposal may have a positive impact on one or more protected characteristics and have an adverse impact on others. You must capture these differences in this form to help decision makers to arrive at a view as to where the balance of advantage or disadvantage lies. If an adverse impact is unavoidable then it must be clearly justified and recorded as such, with an explanation as to why no steps can be taken to avoid the impact. Consequences must be included.

Page 149

**Proposals for more than one option** If more than one option is being proposed you must ensure that the Equality Impact Analysis covers all options. Depending on the circumstances, it may be more appropriate to complete an Equality Impact Analysis for each option.

**The information you provide in this form must be sufficient to allow the decision maker to fulfil their role as above. You must include the latest version of the Equality Impact Analysis with the report to the decision maker. Please be aware that the information in this form must be able to stand up to legal challenge.**

## Background Information

<b>Title of the policy / project / service being considered</b>	Lincolnshire County Council's school admission arrangements for the school year 2021/22	<b>Person / people completing analysis</b>	Emily Nicholls
<b>Service Area</b>	Children's Services	<b>Lead Officer</b>	Matt Clayton
<b>Who is the decision maker?</b>	The Executive member	<b>How was the Equality Impact Analysis undertaken?</b>	Desktop exercise, consideration of relevant legislation, Sufficiency Study and data
<b>Date of meeting when decision will be made</b>	10/02/2020	<b>Version control</b>	V 0.4
<b>Is this proposed change to an existing policy/service/project or is it new?</b>	Existing policy/service/project	<b>LCC directly delivered, commissioned, re-commissioned or de-commissioned?</b>	Directly delivered
<b>Describe the proposed change</b>	<p>The County Council has a statutory duty to have in place admission arrangements for Community and Voluntary Controlled schools for which it is the admission authority and coordinated schemes describing how it meets its duties in respect of coordination of admissions to the normal years of intake in schools. The Council has in place such arrangements for the school year 2020/21 with the following changes proposed:</p> <ul style="list-style-type: none"> <li>• Reduction of the published admissions number of three schools – Helpringham from 25 to 20 and Gonerby Hill Foot from 50 to 40) and Edward Richardson from 17 to 15.</li> <li>• A change to the way that children of armed forces applicants are considered to allow those families greater flexibility to live in private accommodation in line with the Future Accommodation Model for forces housing.</li> <li>• Co-ordinated Scheme - has additional sections concerning parental disputes, applicants from overseas and how offers will be dealt with when a child holds multiple offers.</li> </ul>		



### **Evidencing the impacts**

In this section you will explain the difference that proposed changes are likely to make on people with protected characteristics. To help you do this first consider the impacts the proposed changes may have on people without protected characteristics before then considering the impacts the proposed changes may have on people with protected characteristics.

You must evidence here who will benefit and how they will benefit. If there are no benefits that you can identify please state 'No perceived benefit' under the relevant protected characteristic. You can add sub categories under the protected characteristics to make clear the impacts. For example under Age you may have considered the impact on 0-5 year olds or people aged 65 and over, under Race you may have considered Eastern European migrants, under Sex you may have considered specific impacts on men.

### **Data to support impacts of proposed changes**

When considering the equality impact of a decision it is important to know who the people are that will be affected by any change.

#### Population data and the Joint Strategic Needs Assessment

The Lincolnshire Research Observatory (LRO) holds a range of population data by the protected characteristics. This can help put a decision into context. Visit the LRO website and its population theme page by following this link: <http://www.research-lincs.org.uk> If you cannot find what you are looking for, or need more information, please contact the LRO team. You will also find information about the Joint Strategic Needs Assessment on the LRO website.

#### Workforce profiles

You can obtain information by many of the protected characteristics for the Council's workforce and comparisons with the labour market on the [Council's website](#). As of 1<sup>st</sup> April 2015, managers can obtain workforce profile data by the protected characteristics for their specific areas using Agresso.

**Positive impacts**

The proposed change may have the following positive impacts on persons with protected characteristics – If no positive impact, please state 'no positive impact'.

<b>Age</b>	The relevant legislation states that parents have a right to express preferences as to the schools their children will attend, ranking the preferences in order and giving reasons. Parental age is not captured as part of the process because it is not relevant to the decisions to be made. A child's age is considered to ensure they are admitted to the appropriate school. Admissions decisions must be made according to oversubscription criteria, which could not lawfully include the age of the parent, therefore there can be no impact. If the PAN is reduced an 'over-offer' option is available in exceptional circumstances. The same applies to 'bulge years'. Capacity has been assessed to ensure children will not be impacted as part of a 'Sufficiency Study' carried out by Lincolnshire County Council.
<b>Disability</b>	Legislation requires that children with disabilities whose needs are met through an Education Health and Care Plan are placed in schools before other applications are considered and that other children with Special Educational Needs and Disabilities must be treated equally to children who have none. Legislation specifically states that information about parental disability must not be sought as part of the admissions process. For these reasons there can be no positive impact on the parent(s).
<b>Gender reassignment</b>	This cannot lawfully be considered in the school admissions process therefore there can be no positive impact.
<b>Marriage and civil partnership</b>	Legislation specifically proscribes consideration of this factor in school admissions work.
<b>Pregnancy and maternity</b>	This cannot lawfully be considered in the school admissions process therefore this information is not sought and there can be no positive impact.
<b>Race</b>	This cannot lawfully be considered in the school admissions process therefore this information is not sought and there can be no positive impact.

<b>Religion or belief</b>	Voluntary Controlled schools may lawfully operate a Faith criterion as part of their oversubscription criteria. Four such schools for which the Council is the admission authority do so. The potential impact of the criterion is that it will give those meeting the test of Faith priority for school places over those living nearer to the school. For this reason the Faith criterion is placed after consideration of whether the school is the nearest and before the final criterion of home to school distance. Maintaining this therefore has a slight potential positive impact on those able to meet the relevant test of Faith.
<b>Sex</b>	The Council is the admission authority for one designated single sex school, Spalding High School, which is a Girls' Grammar School. To comply with legislation parental preferences are considered equally irrespective of the gender of the parent, therefore there can be no impact.
<b>Sexual orientation</b>	This is not captured because it cannot lawfully be considered in the school admissions process therefore there can be no positive impact.

<p><b>If you have identified positive impacts for other groups not specifically covered by the protected characteristics in the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.</b></p>
<p>Armed forces families - There is discretion, under existing policy, to support mid-year intake of children in exceptional circumstances, for example where there is a large scale move of forces families to the area. The change proposed allows greater flexibility with regards to how these applications are processed.</p>



**Adverse/negative impacts**

You must evidence how people with protected characteristics will be adversely impacted and any proposed mitigation to reduce or eliminate adverse impacts. An adverse impact causes disadvantage or exclusion. If such an impact is identified please state how, as far as possible, it is justified; eliminated; minimised or counter balanced by other measures.

If there are no adverse impacts that you can identify please state 'No perceived adverse impact' under the relevant protected characteristic.

**Negative impacts of the proposed change and practical steps to mitigate or avoid any adverse consequences on people with protected characteristics are detailed below. If you have not identified any mitigating action to reduce an adverse impact please state 'No mitigating action identified'.**

<b>Age</b>	Admissions apply to children of particular ages meaning this policy only applies to those who fall into these defined cohorts. The relevant legislation states that parents have a right to express preferences as to the schools their children will attend, ranking the preferences in order and giving reasons. Parental age is not captured as part of the process because it is not relevant to the decisions to be made. Admissions decisions must be made according to oversubscription criteria, which could not lawfully include the age of the parent, therefore there can be no negative impact
<b>Disability</b>	Legislation requires that children with disabilities whose needs are met through and Education Health and Care Plan are placed in schools before other applications are considered and that other children with Special Educational Needs and Disabilities must be treated equally to children who have none. Legislation specifically states that information about parental disability must not be sought as part of the admissions process. For these reasons there can be no negative impact.
<b>Gender reassignment</b>	This cannot lawfully be considered in the school admissions process therefore there can be no negative impact.
<b>Marriage and civil partnership</b>	Legislation specifically proscribes consideration of this factor in school admissions decisions.

<b>Pregnancy and maternity</b>	This cannot lawfully be considered in the school admissions process therefore this information is not sought and there can be no negative impact.
<b>Race</b>	This cannot lawfully be considered in the school admissions process therefore this information is not sought and there can be no negative impact.
<b>Religion or belief</b>	Voluntary Controlled schools may lawfully operate a Faith criterion as part of their oversubscription criteria. Four such schools where Lincolnshire County Council is the admission authority do so. The potential impact of the criterion is that it will give those meeting the test of Faith priority for school places over those living nearer to the school. For this reason the Faith criterion is placed after consideration of whether the school is the nearest and before the final criterion of home to school distance. Maintaining this therefore has a slight potential negative impact on those not meeting the test of Faith applicable.
<b>Sex</b>	The Council is the admission authority for one designated single sex school, Spalding High School, a Girls' Grammar School, which means boys are not permitted access to their admissions process. Otherwise, parental preferences are considered equally irrespective of the gender of the parent or child therefore there can be no impact.
<b>Sexual orientation</b>	This cannot lawfully be considered in the school admissions process therefore there can be no negative impact.

**If you have identified negative impacts for other groups not specifically covered by the protected characteristics under the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.**

Rural communities – The County Council's Sufficiency Study identified that continuing to accept siblings children living further away could lead to the displacement of local children wishing to attend the school from 2021. These would have to be allocated a place further away if this occurred. This would impact travel, time and therefore wellbeing of those children potentially affected. There is a plan to monitor any issues which arise from displacement and sufficient physical capacity within the schools to 'over-offer' to mitigate against this.

Information during consultation will primarily be online, which has an impact on those living in very remote areas or who cannot access social media for example, but alternative methods and means will be utilised to capture views from a broad and representative audience.

## Stakeholders

Stake holders are people or groups who may be directly affected (primary stakeholders) and indirectly affected (secondary stakeholders)

You must evidence here who you involved in gathering your evidence about benefits, adverse impacts and practical steps to mitigate or avoid any adverse consequences. You must be confident that any engagement was meaningful. The Community engagement team can help you to do this and you can contact them at [consultation@lincolnshire.gov.uk](mailto:consultation@lincolnshire.gov.uk)

State clearly what (if any) consultation or engagement activity took place by stating who you involved when compiling this EIA under the protected characteristics. Include organisations you invited and organisations who attended, the date(s) they were involved and method of involvement i.e. Equality Impact Analysis workshop/email/telephone conversation/meeting/consultation. State clearly the objectives of the EIA consultation and findings from the EIA consultation under each of the protected characteristics. If you have not covered any of the protected characteristics please state the reasons why they were not consulted/engaged.

## Objective(s) of the EIA consultation/engagement activity

The EIA is a Desktop activity at this stage, based on assumptions and a Sufficiency Study, to ensure that any potential positive and negative impacts are clarified, any mitigating factors are identified, and that any limits imposed by legislative requirements are made clear. The EIA is a publicly available document

This consultation activity will identify, through the provision of specific questions relating to impact and mitigation, the level of support for/against and impact of a change to the published admission number for Gonerby Hill Foot, Edward Richardson and Helpringham Schools

**Who was involved in the EIA consultation/engagement activity? Detail any findings identified by the protected characteristic**

<b>Age</b>	No respondents identified any issues to note in this area
<b>Disability</b>	No respondents identified anything to note in this area
<b>Gender reassignment</b>	No respondents identified anything to note in this area
<b>Marriage and civil partnership</b>	No respondents identified anything to note in this area
<b>Pregnancy and maternity</b>	No respondents identified anything to note in this area
<b>Race</b>	No respondents identified anything to note in this area
<b>Religion or belief</b>	No respondents identified anything to note in this area

<b>Sex</b>	No respondents identified anything to note in this area
<b>Sexual orientation</b>	No respondents identified anything to note in this area
<b>Are you confident that everyone who should have been involved in producing this version of the Equality Impact Analysis has been involved in a meaningful way?</b> The purpose is to make sure you have got the perspective of all the protected characteristics.	Assumptions will be tested during consultation and considered during analysis.
<b>Once the changes have been implemented how will you undertake evaluation of the benefits and how effective the actions to reduce adverse impacts have been?</b>	The situation at applications stage and at the school will be monitored.

## Further Details

<b>Are you handling personal data?</b>	<p>Yes</p> <p>If yes, please give details.</p> <p>As part of the admissions process we must capture sufficient information to facilitate any admission authority in Lincolnshire applying it oversubscription criteria correctly; this will include names and addresses of parents and children and the children's dates of birth as well as sibling connections in some cases. This personal information will be managed, in line with LCC policy and GDPR</p>
--	---

Page 160

Actions required	Action	Lead officer	Timescale
Include any actions identified in this analysis for on-going monitoring of impacts.	Consult statutory stakeholders		

Version	Description	Created/amended by	Date created/amended	Approved by	Date approved
V0.1	Based on 2020 EIA considerations	Emily Nicholls Sarah Moody	20/9/2019		
V0.2	With CET and service area updates		24/9/19		
V0.3	Further minor updates as third school impacted/ deciding to consult				
V0.5	Consultation responses added		03/01/2020		

**Examples of a Description:**

'Version issued as part of procurement documentation'

'Issued following discussion with community groups'

'Issued following requirement for a service change; Issued following discussion with supplier'

This page is intentionally left blank