

# **Equality impact assessment form**

**Directorate: People**

**Service area: Commissioning**

**Name of policy, strategy, review or function being assessed: Determined School Admission Arrangements for Derby City Maintained and Voluntary Controlled Schools 2019-2020**

**Date of assessment: 9 January 2018, amended 8 November 2018**

**Name of Director/Head of Service signing it off: Gurmail Nizzer Director of Integrated Commissioning (Acting) People Directorate**

**Decision of Cabinet, Personnel Committee or Chief Officer Group: 14 February 2018**

October 2017



Derby City Council



## **Equality impact assessment – please read this section first before you do the assessment**

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who don't.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender identity
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and **send it to our Lead on Equality and Diversity for checking and to publish on our website**. It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

## **Equality groups and protected characteristics**

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender identity – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls
- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

## **Contact for help**

Ann Webster – Lead on Equality and Diversity

[ann.webster@derby.gov.uk](mailto:ann.webster@derby.gov.uk)

Tel 01332 643722 Minicom 01332 640666 Mobile 07812301144

## The form

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt – it’s better and safer to do an Equality Impact Assessment than not to bother! You never know when we may get a legal challenge and someone applies for Judicial Review.

### What’s the name of the policy you are assessing?

**Determined School Admissions Arrangements for Derby City maintained and voluntary controlled schools 2019/2020**

### The assessment team

Team leader’s job title – Admissions Manager (acting), People Directorate

Other team members

<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Principal Education Welfare Officer	Derby City Council	Education Welfare
Head of School Organisation and Provision (Acting)	Derby City Council	School Admissions and Children with Special Education Needs
New	Derby City	Education of

<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Communities Support Co-ordinator	Council	children new to English, and education

### **Step 1 – setting the scene**

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

**What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.** The Council is responsible for the annual consultation on admission arrangements for community and voluntary controlled schools.

The purpose of the policy is to ensure that all children are admitted in a fair and equitable way to all schools that the Council are the admissions authority for – this fits in with the outcome in our Council Plan of ‘raising achievement and skills’.

The School Admissions Code is a legally binding document, the purpose of which is to ensure that Local Authorities are working to a non-discriminatory processes and procedures.

In order to provide additional clarity for parents, minor changes are proposed to the 2019/2020 Admission Arrangements on how the Council deals with applications from parents who have changed their address during the application process.

The consultation also includes:

- The Co-ordinated Admissions Scheme which sets out the details of our admission arrangements.
- The Published Admission Numbers (PANs) for community and voluntary controlled schools. This is the number of places available within each year group.

**2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?**

- Integrated Commissioning Department, People Directorate, School Admissions Section
- Admission Authorities
- Children, young people and their families
- Diocesan Boards
- Other Local Authorities

**3 Who are the main customers, users, partners, employees or groups affected by this proposal?**

- Children, young people and their families
- Schools
- Education Welfare Service
- School Admissions
- New Communities Achievement Team
- Youth Offending Service
- Other Local Authorities

**Step 2 – collecting information and assessing impact**

**4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.**

We included the Policy on the Your City Your Say pages of the Council's website and also had paper copies available, which could be translated on request if needed. We also sent the draft Policy to schools, neighbourhoods and to areas just outside the city boundary. We did not receive any comments

**5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. If it's negative, fill in the mitigation section as well to explain how you are going to lessen the impact.**

**Age**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
<p>The Policy is aimed at making sure we have a fair and equitable procedure for children needing an admission to school</p> <p>Children born in the summer term now have an automatic right to delay entry to school for a year if parents feel that the child is not ready to start school.</p>	X		



What do you already know?	Positive impact	Negative impact	Mitigation

## Disability

What do you already know?	Positive impact	Negative impact	Mitigation
<p>The Policy is aimed at making sure we have a fair and equitable procedure for children needing an admission to school</p> <p>This policy does not apply to disabled children as children with statements of special educational needs get priority over others. All schools are required to make reasonable adjustments/ arrangements to accommodate disabled children. It is unlawful for schools to discriminate against disabled children and parents</p> <p>As part of our Schools Accessibility Strategy we have produced an Access Audit of local schools to help disabled parents and disabled children with their choices.</p>	X		
We will make reasonable adjustments for disabled	X		

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
parents to use the Policy			

### **Gender identity-trans**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
<p>The Policy is aimed at making sure we have a fair and equitable procedure for children needing an admission to school</p> <p>It is against the law for schools to discriminate against children or adults because of their gender identity</p>	X		
<p>In recent weeks, there has been an increase in trans children applying for schools and it is important that their needs are met and they are treated fairly. We work closely with Derbyshire LGBT+ who can offer us any advice as needed, as well as to the families</p>			

### **Marriage and Civil Partnership**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
Not applicable			

## Pregnancy and maternity

What do you already know?	Positive impact	Negative impact	Mitigation
<p>The Policy is aimed at making sure we have a fair and equitable procedure for children needing an admission to school</p> <p>Schools cannot discriminate against pregnant pupils or those who have given birth</p>	X		

## Race

What do you already know?	Positive impact	Negative impact	Mitigation
<p>The Policy is aimed at making sure we have a fair and equitable procedure for children needing an admission to school</p> <p>It is unlawful for schools to discriminate against children and parents on grounds of race</p> <p>Gypsy/Roma/Traveller children and children of Asylum Seekers receive support for the Admissions procedure from our New Communities Team</p>	X		

If a child is adopted from outside the UK, these children will now be considered as a second priority, under previous regulations only children adopted in the UK could be considered			
This Policy also applies to children waiting to be deported as they are still entitled to education	X		
We will provide help and support for parents to understand our policy and arrange interpreters or translations where necessary			

### Religion or belief or none

What do you already know?	Positive impact	Negative impact	Mitigation
<p>The Policy is aimed at making sure we have a fair and equitable procedure for children needing an admission to school</p> <p>The governing bodies of voluntary-aided and foundation schools are able to define their own admissions criteria and thus take account of admissions on the basis of faith. Those schools designated by the Secretary of State</p>			

as having a religious character (faith schools) are permitted to use faith-based oversubscription criteria in order to give higher priority in admissions to children who are members of, or who practise, their faith or denomination. None of these school are included within the scope of this policy, as these schools are able to set their own criteria			

### Sex

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
The Policy is aimed at making sure we have a fair and equitable procedure for children needing an admission to school  We do not have any single sex schools in the city that we are responsible for	X		

### Sexual orientation

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
The Policy is aimed at	X		

<p>making sure we have a fair and equitable procedure for children needing an admission to school</p> <p>It is unlawful for schools to discriminate against children and parents because of their sexual orientation</p> <p>We work closely with Derbyshire LGBT+ and get their advice as required and so do families</p>			

**Important** - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

**6 From the information you have collected, how are you going to lessen any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?**

Parents can contact us if they feel they have been treated unfairly by a school and this Admissions Policy and we will do all we can to help, including involving our Lead on Equality and Diversity as necessary

### Step 3 – deciding on the outcome

**7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?**

<b>Outcome 1</b>	<b>1</b>	<b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
<b>Outcome 2</b>		<b>Adjust the policy</b> to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
<b>Outcome 3</b>		<b>Continue the policy</b> despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> <li>• sufficient plans to stop or minimise the negative impact</li> <li>• mitigating actions for any remaining negative impacts</li> <li>• plans to monitor the actual impact.</li> </ul>
<b>Outcome 4</b>		<b>Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

1

Why did you come to this decision?

This EIA has not identified any negative impact on any particular equality group – if we do identify any we will make adjustments in line with our legal responsibility under the Equality Act and Public Sector Equality Duty

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

#### **Step 4 – equality action plan – setting targets and monitoring**

**8 Fill in this table with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.**

#### **Equality Action Plan –setting targets and monitoring**

**Age**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>



<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We will monitor the implementation of this Policy	It means we will be able to identify any barriers at an early stage	On-going	

## **Disability**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We will monitor the implementation of this Policy on disabled parents and make reasonable adjustments as required	Disabled parents will be able to access the Policy	On-going	

## **Gender identity - trans**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We will monitor the implementation of this Policy	It means we will be able to identify any barriers at an early stage	On-going	

## Marriage and Civil Partnership

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>

## Pregnancy and maternity

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We will monitor the implementation of this Policy	It means we will be able to identify any barriers at an early stage	On-going	

## Race

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We will monitor the implementation of this Policy	It means we will be able to identify any barriers at an early stage	On-going	

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>

### **Religion or belief or none**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We will monitor the implementation of this Policy	It means we will be able to identify any barriers at an early stage	On-going	

### **Sex**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We will monitor the implementation of this Policy	It means we will be able to identify any barriers at an early stage	On-going	

### **Sexual orientation**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We will monitor the implementation of this Policy	It means we will be able to identify any barriers at an early stage	On-going	

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 643722  
Minicom: 01332 640666

### Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt: **01332 643722** Tel. tekstowy: 01332 640666

### Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ **01332 643722** ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

### Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č: 01332 643722 Minicom 01332 640666

### Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم **01332 643722** منی کام 01332 640666 پر ہم سے رابطہ کریں۔



Derby City Council