

## APPENDIX 3

### **Self Managed Learning Centre (SMLC) Equality Impact Assessments – an introduction**

Schools have a legal duty (under the Equality Act 2010) to demonstrate due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Act,
- Advance equality of opportunity between people who share a protected characteristic (see below for list) and people who do not share it,
- Foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

An Equality Impact Assessment (EIA) process can support this in two ways:

- The duty to have “due regard” to equality considerations means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications and these must be taken into account.
- It is also good practice for schools to keep a written record to show that they have actively considered their equality duties and asked themselves relevant questions. Publishing it will help to demonstrate that the due regard duty is being fulfilled.

Therefore although there is no longer a legal requirement to complete an EIA process (as in previous legislation) they enable schools to evidence compliance with the law.

#### **What is an Equality Impact Assessment (EIA)?**

An EIA is a considered way of analysing the effect of a policy, practice or project on protected groups and whether it potentially may have a disproportionate effect on one or more groups (these are defined in law as ‘protected characteristics’ and are listed below). EIAs help us ensure we are not unlawfully discriminating against certain individuals or groups and that we are promoting our positive equality duties. It is a way to ensure we are meeting the diverse needs of all our pupils’ staff and those associated with them (eg: families).

EIAs should help ensure that diversity, equality and inclusion run through all areas of school life. This does not mean undertaking EIAs for all policies and practices as of now. It is a process of thinking that can be included as part of the usual policy review cycle. EIAs can also be considered for all new policies and specific projects, e.g. use of the school playground.

It is not about more paperwork and should not be done as a ‘tick-box’ exercise. It is a common sense approach to thinking about what effect policies and actions will have on race, disability, sex and other protected groups. The effect could be positive, neutral or negative. It is about identifying barriers and removing them before they create a problem, increasing the opportunities for positive outcomes for all groups, and using and making opportunities to bring different communities and groups together in positive ways.

### **Key questions:**

- What are the aims of the policy, practice or project?
- What are the specific outcomes you hope to see?
- Who are the intended beneficiaries of this policy or practice? (E.g. all staff/students?)
- What evidence do you have to inform your thinking? This can include data, e.g. attainment data.
- Can you identify any potential adverse or negative effects/impacts in the implementation of this policy, practice or project for certain individuals or groups – on the basis of their ethnicity, religion or belief, disability, SEN, sex, sexual orientation, age, pregnancy/maternity status, gender identity and other criteria (for example EAL, asylum seekers)?
- Identify whom and how?
- Are there any positive effects/impacts? On whom and how can you maximise these?
- What opportunities are there for ‘fostering good relations’ between groups (also called ‘community cohesion’)?
- Define your priority actions and build them into work plans ensuring they are SMART.

***To assess potential effect or impact on certain individuals or groups it is important to draw together relevant, reliable data and information.***

Who can you involve in your policy/practice review or project proposal which will help you identify any differential effect/impact? Information from beyond your school elsewhere in the city or even nationally may be useful here.

***Involving the children, young people, staff and members of the community who may be affected by your policy, practice or project will provide the best opportunity of identifying impact, exploring solutions and supporting implementation.***

If you have thought through the effects/impact of a policy or action and involved people in this thinking, you may still not have uncovered the likely differential effect/impact on certain individuals or groups. That is OK, that will sometimes happen. The point is to bear this in mind in the monitoring and review process and allow flexibility to respond to new information.

If your assessment process identifies that you don't collect data that would be useful in making this decision, plan to start collecting it and to use in the next assessment.

### ***Action planning and Monitoring / Evaluation***

Your assessment will probably identify a number of possible actions. Prioritise these so they are meaningful and build them into existing work plans to ensure they are completed and monitored.

Ensure that you monitor and evaluate progress to ensure that you are achieving your positive goals and not inadvertently creating barriers for any groups. Review the EIA regularly, with appropriate groups, to accommodate any changes to your school, community or the law.

## **‘Protected Characteristics’ in the Equality Act 2010**

- Age
- Disability
- Gender reassignment
- Race / Ethnicity
- Religion or belief (including lack of religion or belief)
- Sex
- Sexual Orientation
- Pregnancy and Maternity
- Marriage and Civil Partnership

### **Key definitions:**

**Age** - people of all ages

**Disability** - a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities

**Gender reassignment** - a transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. A person does not need to be under medical supervision to be protected

**Race / Ethnicity** - this includes ethnic or national origins, colour or nationality, including refugees and migrants; and Gypsies and Travellers

**Religion or belief** - religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

**Sex** - men/boys and women/girls are covered under the Act

**Sexual orientation** - the Act protects bisexual, gay, heterosexual and lesbian people

**Marriage and civil partnership** - only in relation to due regard to the need to eliminate discrimination

**Pregnancy and maternity** - protection is during pregnancy and any statutory maternity leave to which the woman is entitled

**Other relevant groups** e.g.:

Carers, people experiencing domestic violence, substance misusers, homeless people, looked after children etc

### **The Equality Act 2010 duties require consideration of:**

- How to avoid, reduce or minimise negative impact (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- How to promote equality of opportunity. This means the need to:
  - Remove or minimise disadvantages suffered by equality groups
  - Take steps to meet the needs of equality groups
  - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
  - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- How to foster good relations between people who share a protected characteristic and those who do not. This means:
  - Tackle prejudice
  - Promote understanding

## Example Equality Impact Assessment Tool / Prompts for showing ‘due regard’

1. Title of policy, project or practice being reviewed or planned

Local Authority funding for places at Self-Managed Learning College (SMLC)

2. Outline the aims, objective and purpose of the change including any positive impacts on equalities groups.

The aim is to withdraw funding for home educated pupils to attend the SMLC. Concern is that if funding is continued this will set a precedent and result in further funds being spent on home educated children and young people and diverted away from the most vulnerable children and young people in the City.

3. Which groups of people (if any) are most likely to be affected by the planned changes, positively or negatively?

The individuals attending the SMLC would potentially be negatively affected, by requiring a change in their education; however given this provision is not a DfE registered provision we do not have evidence from inspection or similar that this provision meets all statutory guidance we would expect from local authority provision. The website for the SMLC appears not to make any reference to equality legislation which is an expectation for all local authority schools.

4. Does, or could these changes have an adverse effect on members of an equalities group? Identifying a negative impact is not a problem, as it gives you an opportunity to remove the barrier, find a way around it, or offer an alternative.

Protected Characteristics / Group	Yes (brief explanation)	No
Age (staff only)	N/A	
Disability	According to records one young person has aspergers and was not happy at a local independent school. We do not have evidence that this young person would not thrive in another local authority school setting.	?
Gender	There are girls and boys at the centre, but we do not have evidence that gender is cited as a reason for why they need to be educated at this provision.	No
Gender reassignment	No records that there are any trans young people at the provision or that gender reassignment has been cited as reason for attending	No
Marriage / civil partnership	N/A	
Pregnancy / maternity	No records that there are any pregnant young people at the provision or that pregnancy or maternity has been cited as reason for attending	No

Race / ethnicity	No records that there are any BME young people at the provision or that ethnicity has been cited as reason for attending	No
Religion / belief	No records that there are any young people of faith at the provision, or that faith has been cited as reason for attending	No
Sexual orientation	No records that there are any lesbian, gay or bisexual young people at the provision, or that sexual orientation has been cited as reason for attending	No

5 Is there a way to modify the decision to remove or mitigate the negative impact on protected groups while still achieving this aim? How can you maximise positive outcomes and foster good relationships?

If the SMLC, children and families are willing we can work with the affected children and young people to ensure smooth and supported transitions into other provision.

6 Outline the decision made and actions planned.

To withdraw funding provision.

