





Brighton & Hove
City Council

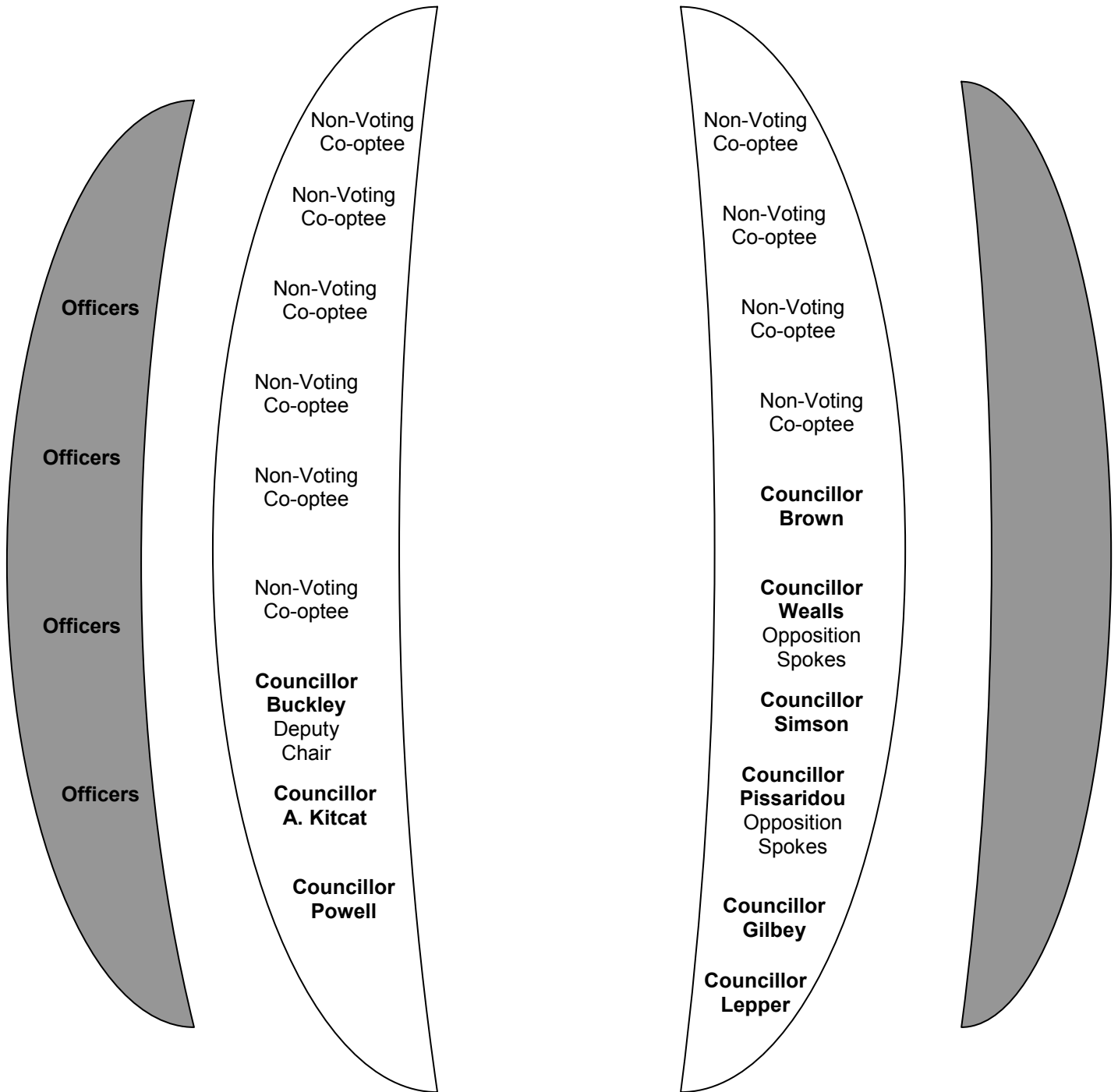
Children & Young People Committee

Title:	Children & Young People Committee
Date:	16 July 2013
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Shanks (Chair), Buckley (Deputy Chair), Wealls (Opposition Spokesperson), Pissaridou (Group Spokesperson), Brown, Gilbey, A Kitcat, Lepper, Powell and Simson
Non Voting Co-optees:	Co-opted Members : Clinical Commissioning Group (1 clinical and 1 executive); Police Representative; Chair, Local Safeguarding Children Board; Chair, Learning Partnership; Youth Justice Board Representative; Parent Forum; Sussex NHS Community Health Trust; Youth Council (2); Community and Voluntary Sector; CAMHS
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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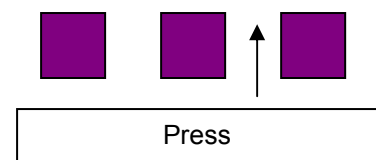
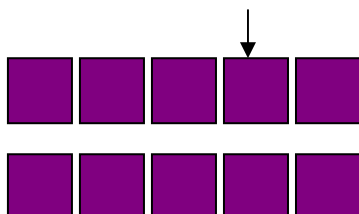
Democratic Services: Children & Young People Committee

Executive Director, Children's Services	Councillor Shanks Chair	Legal Officer	Democratic Services Officer
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Presenting Officer/Public Speaker	Presenting Officer /Public Speaker
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Public Seating



AGENDA

13. PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

14. CHAIR'S COMMUNICATONS

Under this item the Chair will make a statement providing an update on the current position in respect of proposals in relation to Patcham House School.

This statement will encompass the information set out in the official

CHILDREN & YOUNG PEOPLE COMMITTEE

statement released on Monday 8 July.

15. PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself - Report of the Head of Legal and Democratic Services (copy attached);
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on 8 July 2013;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 8 July 2013.

16. MEMBER INVOLVEMENT

To consider the following matters raised by Councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

17. FUNDING FOR PUPILS AT SELF MANAGED LEARNING COLLEGE (SMLC)

1 - 18

Report of the Executive Director, Children's Services (copy attached)
Contact Officer: Maggie Baker *Tel:* 29-3760
Ward Affected: All Wards

18. CONSULTATION ON PERMANENT EXPANSION OF WEST HOVE JUNIOR SCHOOL

Report of the Executive Director, Children's Services (to follow).

This report will be circulated as a late agenda item as the consultation period does not expire until 10 July 2013.

Contact Officer: Michael Nix *Tel:* 29-0732
Ward Affected: Brunswick & Adelaide,
Central Hove, Goldsmid,
Westbourne, Wish Wards

19. ITEMS REFERRED FOR COUNCIL

CHILDREN & YOUNG PEOPLE COMMITTEE

To consider items to be submitted to a meeting of Council for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

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Therefore by entering the meeting room and using the seats around the meeting tables you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured they should sit in the public gallery area.

If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

For further details and general enquiries about this meeting contact Penny Jennings, (01273) 291065, email penny.jennings@brighton-hove.gov.uk or email democratic.services@brighton-hove.gov.uk.

CHILDREN & YOUNG PEOPLE COMMITTEE

Date of Publication – Monday 8 July 2013

Subject:	Funding for pupils at Self Managed Learning College (SMLC)		
Date of Meeting:	16 July 2013		
Report of:	Executive Director of Children's Service		
Contact Officer:	Ellen Mulvihill (Head of Behaviour and Attendance)		
	Name:	Maggie Baker	Tel: 01273 293760
		(Partnership Adviser – Access to Education)	
	Email:	Maggie.baker@brighton-hove.gov.uk	
		Ellen.mulvihill@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report provides information regarding the funding of pupils at the Self Managed Learning College (SMLC) in Brighton who have been home educated at parental request;
- 1.2 It provides information on current and future funding arrangements for these children following advice received from the Department for Education (DfE) and informs members of the current consultation on whether to fund placements at SMLC.
- 1.3 The committee notes the issues raised and the consultation with the affected parents.

2. RECOMMENDATIONS:

- 2.1 It is recommended that:
 - (i) the committee notes the issues raised and the consultation with the affected parents, and
 - (ii) the results of the consultation will be brought to the committee in October 2013 for discussion and decision

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

Background

- 3.1 Part 2 of the DfE Elective Home Education Guidance, Parental Rights and Responsibilities (2007), states that parents may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age. Parents are not required to register or seek approval from the local authority to educate their children at home. Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations. However, local authorities are encouraged to provide support where resources permit;
- 3.2 Part 5 of this same guidance entitled “Support and Resources”, states that local authorities do not receive funding to support home educating families, and the level and type of support will therefore vary between one local authority and another. However, it is recommended that all local authorities should adopt a consistent, reasonable and flexible approach in this respect, particularly where there are minimal resource implications. Some local authorities may be able to offer additional support to home educating parents, but this will vary depending on their resources. Example of additional support includes:
- Provision of a reading or lending library with resources for use with home educated children;
 - free, or discounted, admission into community programmes;
 - access to resource centres;
 - National curriculum materials and curricula offered by other educational institutions;
 - Information about educational visits and work experience;
 - Providing assistance with identifying exam centres willing to accept external candidates.
- 3.3 In the previous funding system up to 2012-13, the Dedicated Schools Grant was calculated by totalling the number of pupils on various annual census forms and multiplying them by a guaranteed unit of funding. Home educated pupils for whom the local authority was providing significant financial support in respect of special needs could be entered on the Alternative Provision Census and therefore the LA could claim back the funding from the DfE. It was for this reason that there was an initial decision in 2012 to fund a small number of home educated pupils at the SMLC;
- 3.4 For the financial year 2013/14, various changes to the school and local authority funding system have come into effect and the DfE has provided revised guidance for local authorities on the funding of home educated children. This is the only change made to existing Government guidance on home education;
- 3.5 The new guidelines state that the LA is now no longer able to access funding through the Alternative Provision Census and that the provisions must apply directly to the DfE for funding. LAs are not able to do this on behalf of the provisions. The LA must instead give consideration to funding home educated pupils directly through the High Needs block within the Dedicated Schools Grant;
- 3.6 In the new funding system from 2013-14, all special educational needs funding,

other than in mainstream schools, comes from the local authority's high needs block within the Dedicated Schools Grant. The high needs block is not based on pupil numbers but on the historic spend on high needs of each local authority: the Alternative Provision Census is no longer used for funding purposes. So while home educated pupils supported by the authority can still be entered on the census, this no longer triggers additional funding. Local authorities' responsibilities in respect of high needs extend to all pupils who are ordinarily resident in their area, including those who are home educated. Local authorities have flexibility to move money between the other blocks of DSG and the high needs block in order to meet high needs in their area;

- 3.7 With effect from September 2013 FE and sixth form colleges can admit pupils aged 14 or 15 and receive funding for them direct from the Education Funding Agency. This includes not only specific provision for groups of pupils but also individual admissions of pupils who would otherwise be home educated, and who may well be educated with young people aged 16-18. Therefore LAs are not expected to pay fees to the colleges for these pupils;

Current Situation

- 3.8 In Brighton & Hove we are currently aware of 169 children who are home educated. We currently fund 16 pupils at the SMLC. The college provides educational programmes for 7-16 year olds who choose not to be in school. It is a registered educational charity and forms part of the Centre for Self Managed Learning which promotes self managed learning within organisations;
- 3.9 The college is not a DfE registered school and thus is not subject to Ofsted inspections;
- 3.10 Funding for the existing pupils at the SMLC has previously been agreed on the basis of the previous funding arrangements which allowed the Authority to reclaim the full cost via the Alternative Provision Census. There was therefore no cost implication for the Authority. The cost of a place at the SMLC is currently £3,900 per academic year. This makes a total of £62,400 for the 16 pupils we currently fund. Four of these pupils will reach statutory school leaving age at the end of June 2013;
- 3.11 The reasons for these pupils being home educated have been recorded as follows:
- 2 have been home educated since arriving in Brighton and Hove
 - 1 moved in from another LA where the child was home educated
 - 8 cited their unhappiness with their previous school
 - 3 alleged bullying
 - 1 was unhappy with their school allocation
 - 1 previously attended an independent school where they were unhappy

There is no evidence to suggest that these pupils have any special educational needs although one child is cited as having Aspergers Syndrome;

- 3.12 Parents of those pupils we currently fund are making enquiries as to whether or not we will continue to fund their child's place at the SMLC and Ian Cunningham from the SMLC has written to both the Assistant Director: Education and Inclusion and the Lead Member for Children's Services requesting that we continue to fund places for home educated pupils from the high needs block funding;
- 3.13 The high needs block funding is fully committed to provide services to children in Brighton and Hove for the financial year 2013 – 14;
- 3.14 The consultation on future funding of placements at the college is a direct result of the funding changes being introduced by the DfE. From 2013/14 there will no longer be any provision which entitles the Authority to recoup the cost;
- 3.15 Should the Authority continue to fund placements at the College, there is also an issue of equitable funding in relation to the other 169 pupils in the city who are known to be currently home educated. If all these pupils were to receive a similar level of funding this would represent a total cost in excess of £659,000 pa.
- 3.16 Given the potential scale of the funding implications and to allow parents of children at SMLC the opportunity to make representations, a consultation of those affected has started. A consultation document was issued to parents on 17 June 2013. This is attached as Appendix 1. The consultation is due to end on 9 September 2013.
- 3.17 An informal meeting was held with parents whose children attend the SMLC and Ian Cunningham at Hove Town Hall on 24 June 2013. Those present were Ellen Mulvihill, Behaviour and Attendance Lead, Maggie Baker, Partnership Adviser, Access to Education, Gavin Thomas, Education Other than at School Co-ordinator and Cllr Sue Shanks. As a number of councillors had been contacted by parents regarding the funding of their childrens placements, a briefing e-mail was sent to all members on 13 June. This is attached as Appendix 2.
- 3.18 Although this a decision which could be made by the Director of Children's Services under delegated powers, as this is a matter that is of particular interest to a number of members it is considered appropriate to bring it to committee for decision. The results of this consultation together with a detailed report will therefore be presented to Children and Young People Committee on 14th October 2013 for decision.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Consultation of those affected has started. A consultation document was issued to parents on 17 June 2013. This is attached as Appendix 1. The consultation is due to end on 9 September 2013.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 No budget has been allocated for this provision from the Dedicated Schools Grant in 2013/14. Consequently, if a decision is made to continue to fund 16 places there will be a requirement to find a minimum of £62,000. As outlined in the report, there is also a risk that if the LA funded the current places, there may be an issue of equitability for other home educated pupils which would potentially have a significant budgetary impact. Clearly, if there is no legal requirement to pay for the fees of pupils at the Self Managed Learning College, and parents no longer wished to home educate, a much more affordable resolution would be to re-integrate pupils back into maintained provision;

5.1.1 The cost of providing equitable funding to all home educated pupils would be £659,100. There is a further financial risk as it is highly likely that should both schools and parents become aware that they can access the equivalent AWPU by withdrawing their child and the schools would not have to register their results against their outcomes that this figure may increase significantly further with the incumbent costs to the LA.

Finance Officer Consulted: Steve Williams

Date: 24/05/2013

Legal Implications:

5.2.1 In law the responsibility for a child's education rests with their parents. Parents have the right to choose to educate their child at home rather than at school, both under the European Convention on Human Rights, and as a matter of domestic law. Under the Home Education Guidelines 2007 parents must ensure that their children receives suitable full-time education for as long as they are being educated at home.

5.2.2 Where parents elect to educate their children otherwise than at school they are entitled to some support from the local authority, at a level to be determined by the authority, but are not entitled to funding for alternative private education. The key principle is as stated in guidance issued by the then DCSF in 2007, "Elective Home Education: Guidelines for Local Authorities". This provides that when parents choose to electively home educate their children they assume financial responsibility for their children's education.

5.2.3 There is no requirement upon the local authority to continue to fund the current provision. In providing the current or future funding the local authority is not endorsing the suitability of the education being provided by the institution receiving the funding. The "College" is not a school, and is not inspected as a school.

5.2.4 If funding is to be provided from the authority's own resources upon a discretionary basis the authority must be satisfied that the use of limited resources in this way meets the fiduciary duties of the council, and that any scheme which provides for discretionary funding is fair and transparent across home educating parents across the city.

5.2.5 Local Authorities continue to have the power to fund home educated children who are considered to have special educational needs or who require alternative provision to that in schools from the high needs block within the Dedicated

Schools Grant, as the responsibilities of local authorities in respect of high needs will include those children who are home educated. Individual pupils would need however to satisfy the Authority that they have the high needs which would merit such funding. The local authority would need to be satisfied that the provision in question is capable of providing suitable education to address the special educational needs identified.

- 5.2.6 Parents of affected children will have a legitimate expectation, based on the fact that it is usual practice in the Authority to consult on such matters, to be consulted on the possibility that the Authority might not agree to fund their children's placements at SMLC. Consultation exercises should provide consultees with adequate information to enable them to formulate an informed response, and adequate time in which to consider the proposals. This consultation will last for 12 weeks which will still allow time for a decision on future funding to be taken within the desired timescales.

Lawyer Consulted: Natasha Watson

Date: 08/07/2013

Equalities Implications:

- 5.3 We have carried out an equality impact assessment and whilst individuals attending the SNLC may be in the first instance negatively impacted by this decision there is no evidence that this is related to them being a member of a protected group. The local authority can offer support to these young people to support transfer into other provision. Concern is that to continue funding would be inequitable to other home educating families, and also potentially divert funds away from the most vulnerable children and young people in the city; This is attached as Appendix 3

Sustainability Implications:

- 5.4 N/A

Crime & Disorder Implications:

- 5.5 The risk implications are outlined in the body of the report. (Jackie Algar 24.5.13)

Risk and Opportunity Management Implications:

- 5.6 N/A

Public Health Implications:

- 5.7 N/A

Corporate / Citywide Implications:

- 5.8 N/A

Equalities Implications:

5.9 See 5.3

Risk and Opportunity Management Implications:

5.10 N/A

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 N/A

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 N/A

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 – Consultation document
2. Appendix 2 – Briefing e-mail to members
3. Appendix 3 – Equalities Impact Assessment (EIA)

APPENDIX 1



CONSULTATION DOCUMENT

FUTURE FUNDING OF PLACEMENTS AT SELF MANAGED LEARNING COLLEGE, BRIGHTON

- Inviting you to have your say-

Why are we consulting you?

In the light of certain changes in national funding arrangements for home educated pupils, the Council is considering the future funding of placements at the Self Managed Learning College (SMLC) in Brighton. This document explains the arrangements for consultation and at the end you will find a reply slip for you to let the Council know what you think. There is also information about what will happen once the consultation closes.

Background facts

The Department for Children, Schools and Families (now the Department for Education) issued guidance to councils in 2007 entitled "Elective Home Education: Guidelines for Local Authorities". This guidance sets out the general principle that parents have a right to educate their children at home. Such parents must however be prepared to assume full financial responsibility for their child's education if they choose to exercise this right. This key principle remains in force today.

Local authorities do not receive funding to support home educating families so any financial support provided is discretionary.

In 2012 Brighton and Hove agreed to fund a number of children at the SMLC on the basis of funding arrangements which allowed the Authority to reclaim the full cost from the DfE via an Alternative Provision Census for home educated pupils for whom the local authority was providing significant funding for alternative provision. There was therefore no cost implication for the Authority.



Various changes to the school and local authority funding system have come into effect for the financial year 2013/14, which mean the current funding arrangements for young people at SMLC will change.

From 2013/14 the Alternative Provision Census is no longer available to LA's for these funding purposes. Alternative provisions must make direct requests to the DfE for funding pupils on their programmes.

Local Authorities will instead need to consider whether to fund home educated children from the high needs block within the Dedicated Schools Grant, and to ensure that this funding is consistently applied.

As a result of these national funding changes it is therefore necessary for the Authority to look at whether it can continue to fund placements at the SMLC.

Brighton and Hove currently fund 16 young people at the SMLC, at a cost of £3,900 pa each. This makes a total of £62,400 pa. Four of these pupils will reach statutory school leaving age at the end of June 2013.

Options for future funding

The Authority is considering a number of options:

- 1) To continue funding all the current pupils currently financially supported by the Authority until they complete Key Stage 4 (ie until the end of Year 11);
- 2) To continue funding the students who will begin Key Stage 4 (Year 10) in September 2013 for two years as it is accepted that these pupils would not have had an opportunity to select their GCSE options elsewhere;
- 3) To cease funding all pupils currently financially supported by the Authority at the SMLC with effect from December 2013;
- 4) In the interests of equity, to offer a commensurate level of funding to all pupils known to be home educated in Brighton and Hove. This would represent a current total cost of £659,000 pa.

Pending a decision being made on future funding the Authority will continue to fund currently supported pupils at SMLC until December 2013, in order to allow any pupils who wish to transfer back into mainstream provision to receive transition support for reintegration as required, and for any assessments that might be required to be undertaken.

The Authority is willing to assist the SMLC with any application that it might wish to make to become a Free School which would allow it to access funding direct from the DfE.

The Authority is also willing to explore registering the SMLC as an alternative provider which would enable mainstream schools to commission places directly from the college.

Consultation arrangements

There will be a meeting for all parents affected by the proposals at which you will be able to discuss the proposals or raise any queries you have with officers and the Chair of the Children and Young Persons Committee.

The meeting will take place on 24 June 2013, 12 noon-2pm at **Hove Town Hall Council Chamber, Norton Road, Hove, BN3 4AH**

You may also comment on the proposals as follows:

- You can complete and return the reply slip included in this document to King's House in the enclosed pre-paid envelope.
- You can send a letter to Maggie Baker, Partnership Adviser (Access to Education), Kings House, Grand Avenue, Hove, BN3 2LS or e-mail maggie.baker@brighton-hove.gov.uk .
- In the interests of economy, letters will not be acknowledged or responded to.
- **Replies must be received by Monday 9th September at 5pm**

The next stage

All of the views put forward during the consultation stage will be reported to Committee on 14th October 2013 and a decision then taken on future funding.



RESPONSE FORM

Please return no later than Monday 9th September 2013 at 5pm

To: Maggie Baker
Partnership Adviser (Access to Education)
Room 310A
Kings House
Grand Avenue
Hove
BN3 2LS

FUTURE FUNDING OF PUPILS AT SELF MANAGED LEARNING COLLEGE

Name and Address:

I support option number

I am a parent carer pupil member of staff other

Signature:

Please add any comments below:



APPENDIX 2

Self Managed Learning College (SMLC)

13.6.13

Dear Councillors

You may be aware that a number of councillors have been contacted by parents regarding the placement of their child at the Self Managed Learning College.

In order to clarify the current situation I want to brief you on the situation as it stands. For the period of time that these children have attended the Self Managed Learning Centre, the Local Authority was able to retrospectively claim back the funding from the DfE to cover any costs incurred. A change of regulation has meant that Local Authorities are no longer able to claim that funding, which must instead be claimed directly by the provisions attended. As the SMLC is not DfE registered, it has been reliant on the LA claiming that funding and is now not able to do so itself.

This does not mean that the LA has withdrawn the funding but it does mean that there is now the decision as to whether the LA can assume the cost for the provision from its own high needs back. The DfE have indicated that this does need to be given consideration and that this needs to be consistent within the Local Authority. This is a much wider issue in terms of deciding on the sustainable and equitably resourcing and funding of all pupils whose parents have elected home education rather than just the handful who attend SMLC.

Given the potential scale of the funding implications, and to allow full consideration of all the issues, it has been decided that a full consultation of those affected will be undertaken. As part of this process parents will be invited to express their views at a meeting with officers and Sue Shanks and the issue will be brought to Children's Committee. For the period of this consultation the places will be funded by the Local authority.

In the meantime if you have any further questions please do not hesitate to contact me.

Yours faithfully

Ellen Mulvihill

Head of Behaviour and Attendance
Children's Services (Education and Inclusion)

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.

