

2012

Equality Analysis Guidance and Form



Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

1. Roles and Responsibilities: please refer to stage 1 of the guidance	
Directorate: Children and Families Service Area:	Person Responsible: Name: Carmen Coffey Title: Head of Pupil and Parent Services Contact No: 020 8937 3033 Signed:
Name of policy: WLA Travel Assistance Policy for young people	Date analysis started: 27.11.12 Completion date: Review date:
Is the policy: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	Auditing Details: Name: Title: Date: Contact No: Signed:
Signing Off Manager: responsible for review and monitoring Name: Title: Date: Contact No: Signed:	Decision Maker: Name individual /group/meeting/ committee: Date:

2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?

Please refer to stage 2 of the guidance.

Special Educational Needs Assessment Service delivers on the council function of determining & issuing Special Educational Needs Statements. The service commissions over £3 million every year to transport those with SEN to schools & colleges.

The West London Alliance (comprising of Brent, Hounslow, Ealing and Harrow) have agreed a new joint policy on children's eligibility for travel assistance. It has been jointly agreed to have this new policy simultaneously consulted upon.

The proposed new Children's Eligibility Policy supports the Council's position & practices when dealing with SEN & the assessment of travel assistance.

The policy is designed to effectively deal with the decision making process of how the Council determines the need and level of travel assistance for those with special educational needs accessing schools and colleges. The new policy has 4 steps to decide what help we will give people with transport.

Step 1 – Will look at other ways people can get to schools and other places of learning.

Step 2 – Will find out how mobile people are.

Step 3 – Will ask if people can travel on their own.

Step 4 - Will decide what help we can give people with transport.

The new policy specifically supports independence of young people with special educational needs. In efforts to promote independence we have set up a programme to help people to travel independently if they can. The previous 2008 policy covering this area of travel assistance did not expressly promote pupil's independence as the new policy does.

In efforts to be transparent, this clarity of how we assess the need to provide travel assistance will allow parents and carers to have greater understanding of the Council assessment process. The openness will provide more information to parents and carers about the likelihood of our decisions on travel assistance and what factors we take into account.

The policy also works to strengthen the Council's duty to use increasingly scarce resources wisely. The annual review of the need for assisted transport will act to fulfil this need to ensure that the services are going to those most in need.

3. Describe how the policy will impact on all of the protected groups:

The service should have a positive impact on all nine protected characteristics
One of the key functions of the Healthwatch is to engage with all sections of the community.

Age
Disability
Gender re-assignment
Marriage and civil partnership
Pregnancy and maternity
Race
Religion or belief
Sex
Sexual orientation

Age

The policy is age restricted. The policy does not cover nursery aged pupils. The policy primarily covers all those with special educational needs statements and attending school and other places of learning. This policy will also include those pupils without a statement having left a school and going to a college. These pupils in transition may receive education and travel support in some form until the age of 25.

The policy applies to:

- a. Children aged 5-16.
- b. Young people in full-time education from ages 16 - 19.
- c. Learners aged 19 or over, but under 25, who have or should have had a learning difficulty assessment under section 139A of the Learning and Skills Act 2000.
- d. Children and young people with medical needs.

Disability

The policy expressly deals with the assessment of those with special educational needs. This in large covers those with ASD (Autistic Spectrum Disorder), ADHD (Attention Deficit-Hyperactivity Disorder), MLD and SLD (Moderate and Severe Learning Disability). The policy will also be applied to those with physical disabilities including Cerebral Palsy and emergency medical needs.

Gender re-assignment

We have no reason to believe that the proposals would have a greater or lesser effect on this protected characteristic.

Marriage and civil partnership

We have no reason to believe that the proposals would have a greater or lesser effect on this protected characteristic.

Pregnancy and maternity

We have no reason to believe that the proposals would have a greater or lesser effect on this protected characteristic.

Race

Currently there are 1172 completed ethnicity records available for the 1650 statemented SEN pupils in Brent. This represents 71% of all SEN records. The proportion of the SEN clients on Brent Transport Service will be shortly having their ethnicity monitoring data recorded.

The current ethnic breakdown of those SEN Statemented clients is as follows

Black	382
White	303
Asian	274
Other Ethnic Group	109
Mixed Ethnic Group	104

We have no reason to believe that the proposals would have a greater or lesser effect on this protected characteristic.

Religion or belief

We have no reason to believe that the proposals would have a greater or lesser effect on this protected characteristic.

Sex

We have no reason to believe that the proposals would have a greater or lesser effect on this protected characteristic.

Sexual orientation

We have no reason to believe that the proposals would have a greater or lesser effect on this protected characteristic.

Please give details of the evidence you have used:

Education Act 1996 (As Amended) Special Educational Needs and Disability Act 2001

The disability element of Special Educational Needs and Disability Act 2001 (which amended the Disability Discrimination Act 1995) requires LAs to ensure that they do not discriminate against pupils with disabilities: they must not treat disabled pupils less favourably and must take reasonable steps to avoid putting these pupils at a substantial disadvantage.

4. Describe how the policy will impact on the Council's duty to have due regard to the need to:

(a) Eliminate discrimination (including indirect discrimination), harassment and victimisation;

The WLA Travel Assistance for Young People policy will provide suitable access to the service for all users to ensure that those with disability, language and other needs are all able to participate. The application of the policy will be monitored in the future as the existing clients and all new applicants will have their diversity data taken from them on an annual basis as part of the annual assessment cycle. The close attention to the diversity data will allow decisions to be reflective of the diverse communities within Brent.

(b) Advance equality of opportunity;

Special Educational Needs Assessment Service aims to ensure that all the voices of all sections of the community can be heard and access the WLA Travel Assistance for Young People policy. This should improve transport assistance access for all of the community and all protected characteristics as highlighted in section 3 of this assessment.

(c) Foster good relations

The administration of the policy will ensure all parents and carers will access the services and the users on Brent Transport Service will have the diverse membership that reflects the whole borough. The inclusion of parent groups in termly meetings with the Head of Parent and Pupil Services will foster good relations and provide access to the decision maker and the transparency of the process. This openness will allow all community members to participate in

discussions regarding the policy being applied in all cases.

5. What engagement activity did you carry out as part of your assessment?

Please refer to stage 3 of the guidance.

i. Who did you engage with?

All parents and carers of the 710 pupils with SEN Statements were directly sent the consultation questionnaire and the new draft policy. Parent representative groups were included in the consultation meetings and in writing. The public were invited to attend 2 public meetings at Brent Town Hall after local press articles promoted the events. Brent MENCAP were directly invited to attend events and submit their consultation suggestions in writing.

ii. What methods did you use?

Postal send out
Internet – Brent Council Consultation Portal
Local Press article
Email
Public meetings
Meetings at Special Schools

iii. What did you find out?

Parents were largely accepting that the Council should annually review the decision to provide transport assistance to those young people with special needs attending schools and other places of learning. Over 60% of parents/carers also supported the Council's aim to promote independent travel for those young people that are able.

iv. How have you used the information gathered?

The information captured has led to the Head of Parent and Pupil Services agreeing to meet with One Voice Community, a parent representative group of young people with special educational needs. This has already led to many parents discussing wider SEN placement and schooling issues and gaining more accurate information.

The factors considered when applying the travel assistance policy have been openly discussed which has led to a greater appreciation of the potential decisions and assists to manage expectations within the parent/carers group.

v. How has it affected your policy?

The WLA Travel Assistance for Young People policy details the range of factors that the granting of travel assistance will be based upon, the types of travel assistance that may be given by the Council and details the promotion of independent travel for young people with special educational needs.

The consultation process has by the volume of written responses and attendees at the school meetings resoundingly confirmed that the policy is agreeable to the majority of parents. There have been no specific contradictions or disagreements in the detail of the policy itself but rather dissenting views expressed about the stress parents/carers are put under filling out forms and awaiting decisions about travel assistance.

6. Have you have identified a negative impact on any protected group, or identified any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or mitigate against this impact.

Please refer to stage 2, 3 & 4 of the guidance.

No.

Please give details of the evidence you have used:

The WLA Travel Assistance for Young People policy addresses requirements relating to inclusion and access as outlined previously.

7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age	✓		
Disability	✓		
Gender re-assignment			✓

Marriage and civil partnership			✓
Pregnancy and maternity			✓
Race			✓
Religion or belief			✓
Sex			✓
Sexual orientation			✓

8. The Findings of your Analysis

Please complete whichever of the following sections is appropriate (one only).
Please refer to stage 4 of the guidance.

No major change

Your analysis demonstrates that:

- *The policy is lawful*
- *The evidence shows no potential for direct or indirect discrimination*
- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

Please document below the reasons for your conclusion and the information that you used to make this decision.

- *The policy is lawful*

The WLA Travel Assistance for Young People policy has been formulated after direct involvement with Legal (from all WLA boroughs) who have been involved throughout and it has been based on the legislation of the Education Act 2000 and other guidance.

- *The evidence shows no potential for direct or indirect discrimination*

The Special Educational Needs Assessment Service has sought to involve and engage will all sections of the community so that their views and experiences will influence the decisions about the policy. The consultation process was widened to ensure that all users and non users of the Council travel assistance policy had an opportunity to contribute to its formulation.

- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

A wide range of community groups, including those encompassing different protected characteristics, have been included in the consultation and will be involved in the inclusion of parent groups in termly meetings with the Head of Parent and Pupil Services. This will foster strong relations between groups.

Adjust the policy

This may involve making changes to the policy to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential adverse effect on a particular protected group(s).

Remember that it is lawful under the Equality Act to treat people differently in some circumstances, where there is a need for it. It is both lawful and a requirement of the public sector equality duty to consider if there is a need to treat disabled people differently, including more favourable treatment where necessary.

If you have identified mitigating measures that would remove a negative impact, please detail those measures below.

Please document below the reasons for your conclusion, the information that you used to make this decision and how you plan to adjust the policy.

Continue the policy

This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not amount to unlawfully discrimination, either direct or indirect discrimination.

In cases where you believe discrimination is not unlawful because it is objectively justified, it is particularly important that you record what the objective justification is for continuing the policy, and how you reached this decision.

Explain the countervailing factors that outweigh any adverse effects on equality as set out above:

Please document below the reasons for your conclusion and the information that you used to make this decision:

Stop and remove the policy

If there are adverse effects that are not justified and cannot be mitigated, and if the policy is not justified by countervailing factors, you should consider stopping the policy altogether. If a policy shows unlawful discrimination it must be removed or changed.

Please document below the reasons for your conclusion and the information that you used to make this decision.

9. Monitoring and review

Please provide details of how you intend to monitor the policy in the future. Please refer to stage 7 of the guidance.

The policy has been part of the SEN Transformation Phase 2 and will be reviewed as part of this process on an annual basis.

10. Action plan and outcomes

At Brent, we want to make sure that our equality monitoring and analysis results in positive outcomes for our colleagues and customers.

Use the table below to record any actions we plan to take to address inequality, barriers or opportunities identified in this analysis.

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome
SEN Transformation Phase 2 Board	Annual Review by July 2014	Duncan Matthews	Board approves policy	September 2014	

Please forward to the Corporate Diversity Team for auditing.