



Executive –school expansion (background)

Monday 15 July 2013 at 7.00 pm

Boardroom - Civic Centre, Engineers Way, Wembley,
HA9 0FJ

Membership:

Lead Member Councillors:

Portfolio

Butt (Chair)	Leader/Lead Member for Corporate Strategy & Policy Co-ordination
R Moher (Vice-Chair)	Deputy Leader/Lead Member for Finance and Corporate Resources
A Choudry	Lead Member for Crime Prevention and Public Safety
Crane	Lead Member for Regeneration and Major Projects
Denselow	Lead Member for Customers and Citizens
Hirani	Lead Member for Adults and Health
Mashari	Lead Member for Environment and Neighbourhoods
McLennan	Lead Member for Housing
J Moher	Lead Member for Highways and Transportation
Pavey	Lead Member for Children and Families

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The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

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8 Determination of the proposals to expand primary school place provision for September 2014	1 - 30

This report informs the Executive of the outcome of the statutory proposals to alter the following schools through permanent expansion from September 2014 and recommends that they be approved: Preston Park Primary School (Community) by one form of entry and Harlesden Primary School (Community) by two forms of entry.

Ward Affected:
All Wards

Lead Member: Councillor
Contact Officer: Sara Williams, Interim Director,
Children and Families
sara.williams@brent.gov.uk

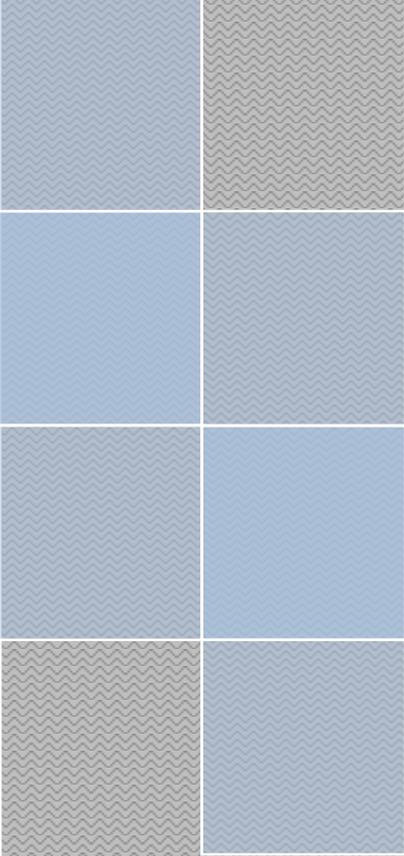
Date of the next meeting: Monday 19 August 2013



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public on a first come, first served basis.

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: Pupil and Parent Services	Person Responsible: Name: Judith Joseph Title: Place Planning Officer Contact No: 020 8937 1061 Signed:
Name of policy:	Date analysis started: 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.

Primary and secondary places

Brent Council is in the process of working with schools to expand their primary provision in the hope of meeting the demand of primary aged children without school place. The growth in Brent's population is reflected in the increasing demand for school places. Numbers of four year olds on school rolls are expected to rise strongly over the next three to four years. Therefore the aim is to provide much needed primary school places in the borough.

Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. Each LA must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them.

The council in conjunction with the schools is therefore consulting with staff, parents and the community on the strategy to increase school places.

The schools currently consulting (2013) are:

- Wembley High Technology College (to become an all through school)
- Harlesden Primary School
- Preston Park Primary School
- Uxendon Manor Primary School
- Princess Frederica CE Primary School
- St Joseph's RC Primary School

According to the current roll projections, by 2020-21 Brent would require 21FE additional primary places, up to 19FE secondary places and 192 new SEN places. The demand is uniformly spread across the borough with hot spots in planning areas 3 & 5.

A portfolio review of Brent schools has been completed based on the analytical model included in the Executive report of December 2012 – School Expansion (Secondary) Programme 2012-16. This informs the Council's strategy for creating new school places in existing primary and secondary schools as well as explores the options for creating new schools. This includes opportunity for acquiring new land under S106 agreement and

creating Free Schools.

Subject to the availability of funding, it is proposed to create 19.5FE primary places by 2015 and 19FE secondary places by 2021 through existing school expansion. 77 new SEN places are proposed to be created by 2015.

Special Educational Needs Places (see above)

The service to be assessed is the provision for children and young people with Special Educational Needs at Woodfield Special School and Kensal Rise and Oakington Manor primary schools, the latter two have Additional Resourced Provision (ARP). The proposed changes are aimed at increasing and improving the quality of provision to meet the needs of young people with moderate learning difficulties.

There is a strong national legislative context which underpins the work of Local Authorities in assessing special educational needs development (SEND) and determining placement and support required to meet those needs. The LA has to take account of a SEN "Code of Practice" which provides statutory advice. The proposed development will increase the range of provision available to young people with moderate learning difficulties. It will provide opportunities for these young people to be included with young people who do not have learning difficulties and will enable them to prepare more effectively for adult life.

The proposed changes for the consultations carried out during 2013 are:

- Woodfield Special School – to expand by 40 places
- Kensal Rise Primary School – to close its ARP provision
- Oakington Manor Primary School – to increase its ARP provision

3. Describe how the policy will impact on all of the protected groups. What evidence have you relied on to reach these conclusions?

The policies will provide much needed school places for children who currently do not have a school place and will have no obvious bearings on the protected groups. However, further statutory consultation will be undertaken once individual schemes are fully proposed and developed. Each expansion of a school will improve choice and diversity in the local area by providing fair access and improved parental preference to schools places in Brent.

Primary: By 2020-21, if no action were to be taken, the deficit in primary school places will continue increasing year on year and will reach untenable proportions i.e. 21 forms of entry based on the requirement for Reception places. The shortage of 21FE excludes the on-going Phase 1 schemes.

Secondary: Over the next eight years the demand for secondary school

places will mirror the current shortages in the primary sector. An additional 570 new places (19FE) will be required after taking into account the new capacity being created at the Crest Academies. If no action were taken almost 600 students will be without a school place.

SEN: The Council's Special Educational Needs (SEN) and Disability services have faced pressures arising from increased demand for specialist education placements for a number of years. This increase in demand is in line with a national trend and is due to a combination of factors including: advances in medical technology and higher survival rates of children with complex needs and increases in medical diagnoses for conditions such as autism. It has also been exacerbated in Brent by increased in-migration and population growth.

By 2020, it is projected that 192 new SEN places will be required; of which 86 will be for primary aged children and 106 for secondary school pupils. The SEN requirement is over and above the mainstream places needed in Brent. If no action were taken many children with special needs would have no local school place and would have to travel to another borough.

Please give details of the evidence you have used:

Demand for Primary Places

Below is a summary of previous and current policies for the creation of new places. There is no evidence that any of the protected groups were negatively impacted.

In 2009-10, Brent Council analysed the increased demand for places and prudently added a further 68 Reception 'bulge' places, at Anson Primary School (7) Park Lane (30) Brentfield (30) Avigdor Hirsch Torah Temimah (1), providing a total of 3428 Reception places.

For 2010-11, temporary provision of 245 additional Reception places were added for September 2010 in the following schools; Brentfield (30) Wykeham (30) Braintcroft (30) Islamia (30) St Robert Southwell (15), Ashley Gardens / Preston Manor (60), Curzon Crescent (30), (College Green(8) and Granville (12). Many of these places became permanent in the 2011/12 academic year.

For the 2011/12 academic year additional permanent places were created Brentfield (30), Newfield (30) and Preston Manor (60).

For the 2012/13 academic year Barham, Fryent and Mitchell Brook primary schools expanded creating an additional 4FE ie 120 Reception places (840 primary places). In addition 2 temporary Reception classes (60) were created in the former Preston Park Library (now a satellite of Preston Park Primary School) and 6 temporary classes (180) were created the former Stonebridge Day Care Centre (now a satellite of Stonebridge Primary

School). In addition an extra 15 Reception places were created in Vicar's Green Primary School as a joint venture with Ealing Council.

For the 2013/14 academic year St Robert Southwell School will expand by 0.5FE creating 105 permanent places from Reception to Year 6.

Despite adding new places, the demand for Reception places is significantly greater than the number of available places. As at 11 January 2013, 201 primary aged pupils remained without a school place, of which, 54 were Reception aged children (4 year olds).

The following schools are proposing to expand for the 2014/15 academic year:

- The Governing Body of Wembley High Technology College is proposing to change the character of the school on a permanent basis by becoming an "all-through" school by September 2014. "All-through" means the lower age limit will change from 11 years old (Year 7) to 4 years old (Reception). The school will eventually offer places from Reception to Sixth Form (4 years old to 19 years old).
- Brent Council is proposing to expand Harlesden Primary School, Acton Lane, London, NW10 8UT by two forms of entry (420 additional places), taking the school capacity from 210 places (Year R – Year 6) to 630 (Year R – Year 6). The school will continue to provide a nursery with 26 part time places.
- Brent Council is proposing to expand Preston Park Primary School, College Road, Wembley, HA9 8RJ by one form of entry (210 additional places), taking the school capacity from 630 permanent places (Year R – Year 6) to 840 permanent places (Year R – Year 6). The school will continue to provide a nursery with 60 part time places.
- Brent Council is proposing to expand Uxendon Manor Primary School, Vista Way, Kenton, HA3 0UX by two forms of entry (420 additional places), taking the school capacity from 420 places (Year R – Year 6) to 840 (Year R – Year 6). The school will continue to provide a nursery with 60 part time places.
- Brent Council is proposing to expand Princess Frederica Church of England Primary School, College Road, London, NW10 5TP by one forms of entry (210 additional places), taking the school capacity from 420 places (Year R – Year 6) to 630 (Year R – Year 6). The school will continue to provide a nursery with 30 part time places.
- Brent Council is proposing to expand St Joseph's Catholic School, Goodson Road, Harlesden, NW10 9LS by one form of entry (210 additional places), taking the school capacity from 420 places (Year R – Year 6) to 630 (Year R – Year 6). The school will continue to

provide a nursery with 60 part time places.

Wembley High Technology College, Harlesden, Preston Park and Uxendon Manor primary schools offer non-denominational mixed gender places for students aged 3-11 years (4 to 19 for Wembley High Technology College) and serve a wide range of ethnic minority children, both boys and girls, and the proposals will be of benefit to them. Princess Frederica offers Church of England places and St Joseph's offers Catholic places. As these proposals are for the expansion of school places there is no adverse impact to any disadvantaged group.

Particularly at secondary transfer, parents are looking for a school which meets their cultural and religious/non-religious aspirations. This is complex in Brent where so many different ethnic and cultural groups converge and where the population changes so rapidly. There is already a good supply of girls and boys only secondary places in the borough as well as Catholic and Jewish schools and overall the first preference applications indicate that parents are looking for high achieving schools as an opportunity to improve their child's life chances.

SEN

At the time of the consultation on the proposed development there were approximately 174 young people with special educational needs who have had to be placed in schools outside the Borough boundary to ensure that they access the support they need to overcome their difficulties and achieve their educational potential. This involves them having to spend a large proportion of their day travelling which does not support their learning. There has been extensive analysis of data on children and young people with SEN that underpins the reason for this development.

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 policy will create new places, increase parental choice and will be available for both boys and girls of primary school age regardless of their culture or religion.

There is already a good supply of girls and boys only secondary places in the borough as well as Catholic and Jewish schools and overall the first preference applications indicate that parents are looking for high achieving schools as an opportunity to improve their child's life chances.

SEN

The proposed development will increase access to educational opportunity for young people with special educational needs, in line with the provisions for overcoming discrimination and disadvantage to disabled groups as outlined in

the Equality Act 2010.

(b) Advance equality of opportunity;

Particularly at secondary transfer, parents are looking for a school which meets their cultural and religious/non-religious aspirations. This is complex in Brent where so many different ethnic and cultural groups converge and where the population changes so rapidly. There is already a good supply of girls and boys only secondary places in the borough as well as Catholic and Jewish schools and overall the first preference applications indicate that parents are looking for high achieving schools as an opportunity to improve their child's life chances.

(c) Foster good relations

Expanding each school will inevitably lead to an increase in traffic and footfall in the local area. For these reasons we have particularly targeted local residents by printing an additional 400 copies of the consultation document for each school and delivered them door to door to local residents in the vicinity of the schools in the hope of capturing and considering their views before the formal statutory notice is issued. We feel this is the best method to reach out the local community, who perhaps have no other connection with the school other than live in the local area.

5. What engagement activity did you carry out as part of your assessment? Who did you engage with? What methods did you use? What did you find out? How have you used the information gathered? How has it affected your policy?

Please refer to stage 3 of the guidance.

In 2011, the Council consulted with all schools and received responses from headteachers, governors and others. This informed us of the level of interest in the five principles developed by the authority:

- Sufficiency of demand
- Improving learning outcomes
- Efficient use of resources
- Improving local SEN provision
- Diversity of type of provision

The results were reviewed and formed one of the factors of the school expansion programme Executive report for August 2012.

We undertook further statutory consultations for individual schools by engaging with Headteachers, governing bodies, staff and parents of each school.

We engaged with the wider community by distributing detailed consultation documents tailored to each school and invited the community to have their say at consultation meetings held in each school.

Statutory notices were published on various dates. Responses and representations received are illustrated below.

School	Consultation responses received	Date statutory notices published	Representations received
Wembley High Technology College	257	N/A	N/A
Harlesden Primary School	10	16 May 2013	2
Oakington Manor Primary School	3	27 June 2013	Nothing received as at 8 July 2013
Preston Park Primary School	32	16 May 2013	1
Uxendon Manor Primary School	31	To be published	
Woodfield Special School	10	16 May 2013	0
Kensal Rise	23	9 May 2013	0
Princess Frederica	Data with school	To be published	Not applicable at the moment
St Joseph's Catholic	Data with school (+2)	To be published	Not applicable at the moment

SEN

There has been consultation with young people with moderate learning difficulties, their families and the schools and their Governing Bodies involved in this proposed development. Most of the consultation has been through face to face meetings and continuous dialogue. Brent Children's Partnership has been consulted on this development within the broad range of actions the Authority is proposing to improve provision for children and young people with SEN and Disabilities.

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 negate this impact.

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

SEN

The closure of the Kensal Rise Primary School ARP will affect the 6 pupils expected to still be in the ARP at the beginning of September 2013. They and their parents will be offered places at the ARP provision at Oakington Manor Primary School or the opportunity to remain at Kensal Rise Primary School with individual packages of support. Parents will be invited to visit the Oakington Manor Primary School ARP provision to help in making a decision. They will be eligible for assistance with transport to Oakington Manor if they decide that they want a place at the school for their child.

Please give details of the evidence you have used:

School expansion will fully meet the requirements of the SEN Code of Practice and the accessibility standards. A range of special education needs is expected within the primary and secondary regular intake including students with language and communication needs, behavioural emotional and social needs and children on the autistic spectrum. A borough wide SEN 'unit' or additionally resourced provision is also proposed under the programme. The aim is provide a maximum of 192 new SEN places across Brent. Further analysis will take place to complete the due diligence in order to validate the savings over a period of time by limiting the demand for out borough provision.

7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age	x		
Disability	x		
Gender re-assignment			x
Marriage and civil partnership			x

Pregnancy and maternity			X
Race	X		
Religion or belief			X
Sex	X		
Sexual orientation			X

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.

Sections 1 to 8 of this document outlines why the policy is lawful why there is no potential for direct or indirect discrimination and the ways we have tried to foster good relations between groups. In summary -

- the policy is to create new primary school places for all those children who currently do not have a school place. This a statutory duty of the council.
- the policy is to create much needed additional special educational needs school places.
- consultations have been carried out according to Department for Education guidelines.
- local residents, governing bodies, staff, parents, other schools, neighbouring authorities etc. have all been informed and given a chance to give their views on each consultation
- all views have been considered and put before the Brent

Executive to make the final decision.

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.

It is a statutory duty of the council to provide sufficient school places. In order to carry out this duty officers monitor the flow of school aged children into and out of the borough on a regular basis. Officers also forecast the need for places upto a decade in advance using existing data and trends. Annual reports are written for the Executive outlining the strategies for creating (or indeed removing) primary, secondary and special needs school places.

Appropriate action is then taken e.g consulting with schools to expand therefore creating additional school places where required in the borough.

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

Please forward to the Corporate Diversity Team for auditing.

Introduction

The aim of this guidance is to support the Equality Analysis (EA) process and to ensure that Brent Council meets its legal obligations under the Equality Act 2010. Before undertaking the analysis there are three key things to remember:

- It is very important to keep detailed records of every aspect of the process. In particular you must be able to show a clear link between all of your decisions and recommendations and the evidence you have gathered.
- There are other people in the council and in your own department who have done this before and can offer help and support.
- The Diversity and Consultation teams are there to advise you.

The Equality Act 2010

As a Public Authority, Brent Council is required to comply with the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. These duties require Brent Council to have 'due regard' to the need to

- Eliminate discrimination, be it direct or indirect discrimination
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)
- Sexual orientation

What is equality analysis?

Equality Analysis is core to policy development and decision making and is an essential tool in providing good services. Its purpose is to allow the decision maker to answer two main questions.

- Could the policy have a negative impact on one or more protected groups and therefore create or increase existing inequalities?
- Could the policy have a positive impact on one or more protected groups by reducing or eliminating existing or anticipated inequalities?

What should be analysed?

Due consideration of the need for an Equality Analysis should be addressed in relation to all policies, practices, projects, activities and decisions, existing and new. There will be some which have no equalities considerations, but many will. Where an

EA is undertaken, some policies are considered a higher risk than others and will require more time and resources because of their significance. This would include:

- Policies affecting a vulnerable group such as young people, the elderly and people with a disability
- Policies related to elective services such as Sports Centres or Libraries
- High profile services
- Policies involving the withdrawal of services
- Policies involving significant reductions in funding or services
- Policies that affect large groups of people
- Policies that relate to politically sensitive issues

It can sometimes be difficult to identify which policies are more sensitive. If you are in doubt seek advice from a more senior officer or the Diversity Team.

When should equality analysis be done?

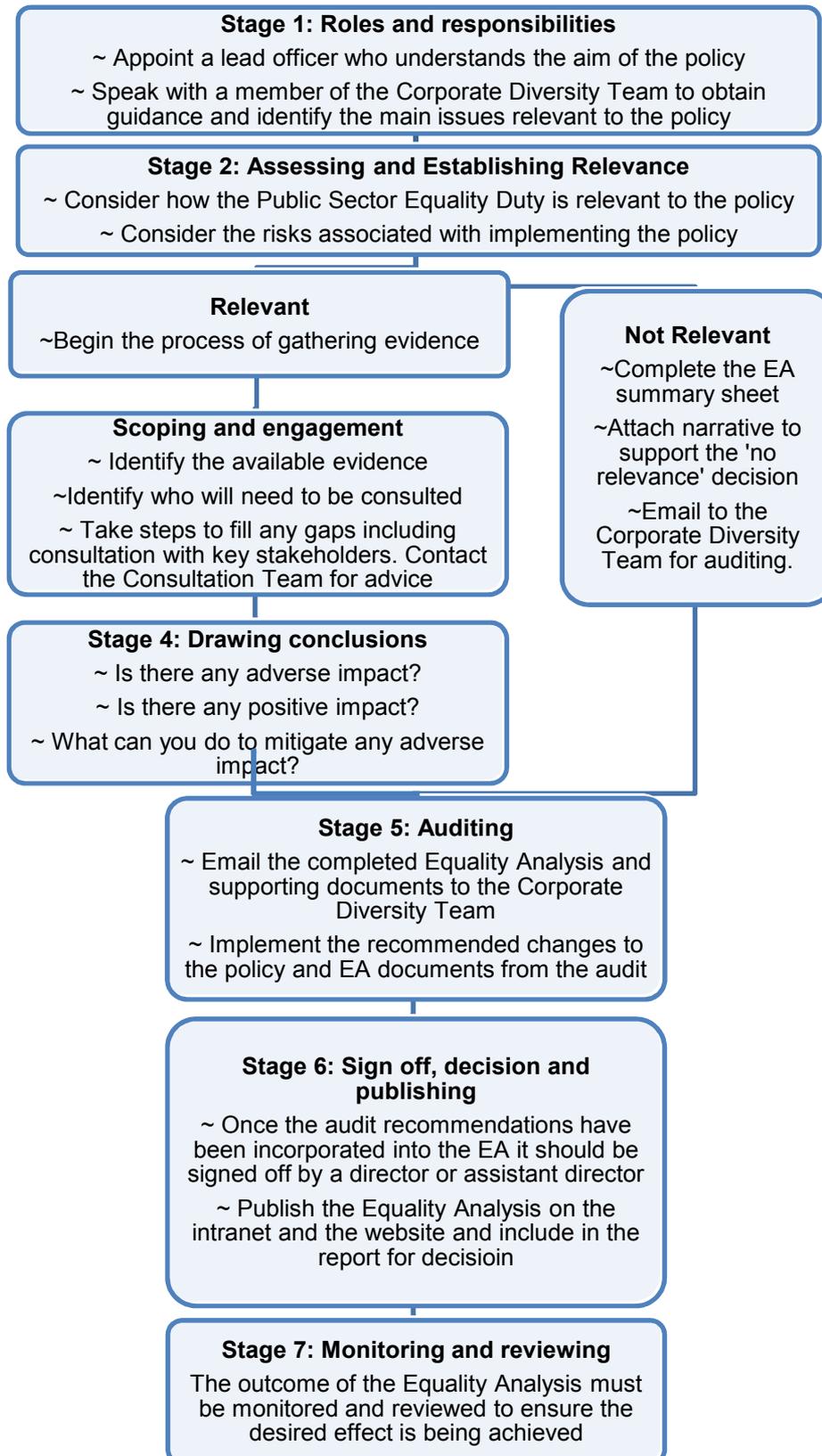
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. You should also bear in mind that several changes may be happening at the same time. This would mean ensuring that there is sufficient relevant information to understand the cumulative effect of all of these decisions.

Positive action

Not all policies can be expected to benefit all groups equally, particularly if they are targeted at addressing particular problems affecting one protected group. (An example would be a policy to improve the access of learning disabled women to cancer screening services.) Policies like this, that are specifically designed to advance equality, will, however, also need to be analysed for their effect on equality across all the protected groups.

Brent Council's Equality Analysis Process

This flow chart sets out the process for carrying out an EA. Details on each stage of the process follow. Please note that it may be necessary to consult the Corporate Diversity team at each stage and that Legal may also need to be involved. This should be factored in to the time scale.



Stage 1: Roles and Responsibilities

The first stage in the process is to allocate the following roles.

Role	Responsibilities and tasks
Decision maker - the person or group making the policy decision (e.g. CMT/Executive/Chief Officer).	<ul style="list-style-type: none"> • Check that the analysis has been carried out thoroughly: • Read and be familiar with the EA and any issues arising from it and know, understand and apply the PSED. (The evidence on which recommendations are based must be available to this person.) • Take account of any countervailing factors e.g. budgetary and practical constraints
The officer undertaking the EA	<ul style="list-style-type: none"> • Contact the Corporate Diversity and Consultation teams for support and advice • Develop an action plan for the analysis • Carry out research, consultation and engagement if required • Develop recommendations based on the analysis • Submit the EA form to the Diversity team for audit with the evidence and any other relevant documents including the report the EA will be attached to • Incorporate the recommendations of the audit • Include the Equalities Analysis in papers for decision-makers
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> • Provide support and advice to the responsible officer • Carry out the audit of the EA to monitor quality standards and ensure it is sufficiently rigorous to meet the general and public sector duties. • Return the analysis to the responsible officer for further work if it fails to meet the necessary standard • Consult Legal if necessary (this stage of the process will take at least 5 days)
The council officer responsible for signing off the EA. Usually a senior manager within the relevant directorate	<p>Ensure:</p> <ul style="list-style-type: none"> • That the EA form is completed • That any issues raised as part of the auditing process have been fully dealt with • That the EA, the evidence used and any issues arising from the analysis are brought to the attention of the decision maker • Ensure that the findings are used to inform service planning and wider policy development.

Stage 2: Assessing and Establishing Relevance

We need to ensure that all of our policies and key decisions, both current and proposed, have given appropriate consideration to equality. Consideration of the need for an EA needs to be given to all new policies, all revised policies, all key decisions and changes to service delivery need an EA. Those that are more relevant will require more resources and data.

The following questions can help you to determine the degree of relevance, but this is not an exhaustive list:

Key Questions:

- Does the policy have a significant effect in terms of equality on service users, employees or the wider community? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
- Is it a major policy, significantly affecting how functions are delivered in terms of equality?
- Will it have a significant effect on how other organisations operate in terms of equality?
- Does the policy relate to functions that previous engagement has identified as being important to particular protected groups?
- Does or could the policy affect different protected groups differently?
- Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools)?
- Does it relate to an area where equality objectives have been set by Brent Council?

If the answer to any of the above is “yes”, you will need to carry out an Equalities Analysis.

“Not relevant”

If you decide that a policy does not impact on any of the equality needs contained in the public sector equality duty, you will need to:

- Document your decision, including the reasons and the information that you used to reach this conclusion. **A simple statement of no relevance to equality without any supporting information is not sufficient, nor is a statement that no information is available.** This could leave you vulnerable to legal challenge so obtaining early advice from the Corporate Diversity team would be helpful.
- Complete the EA Form and send it to the Corporate Diversity Team for auditing. If the Corporate Diversity Team advises that policy is relevant then you will need to continue the EA process (See flowchart). If the Corporate Diversity Team advises that the policy is not relevant then you will need to have it signed off, publish it and put in place monitoring arrangements for the policy.

Stage 3: Scoping

Scoping establishes the focus for the EA and involves carrying out the following steps:

- Identify how the aims of the policy relate to equality and which aspects have particular importance to equality.
- Identify which protected groups and which parts of the general equality duty the policy will, or is likely to, affect.
- Identify what evidence is available for the analysis, what the information gaps are, and establish which stakeholders can usefully be engaged to support the analysis.

Think about:

- The purpose of the policy, and any changes from any existing policy
- The reason for the policy
- The context
- The beneficiaries
- The intended results

At this early stage you should start to think about potential effects on protected groups. This could mean that you decide to change your overall policy aims or particular aspects of the policy in order to take better account of equality considerations. It is often easier to do this at an earlier stage rather than having to reconsider later on in the process.

Sources of information

It is important to have as much up-to-date and reliable information as possible about the different groups likely to be affected by the existing or proposed policy. The information needed will depend on the nature of the existing or proposed policy, but it will probably include many of the items listed below:

- The Brent Borough profile for demographic data and other statistics
- Census findings; the 2011 census data will be available during 2012
- Equality monitoring data for staff and/or service users
- Reports and recommendations from inspections or audits conducted on service areas
- Previous reports that have been produced either on a similar topic or relating to the same service user group
- Responses to public enquiries on similar topics e.g. Freedom of Information requests
- Comparisons with similar policies in other departments or authorities to help you identify relevant equality issues.
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups.
- Recent research from a range of national, regional and local sources to help you identify relevant equality issues.
- Results of engagement activities or surveys to help you understand the needs or experiences of different groups.
- Local press and other media. This will tell you whether there is public concern about possible equalities implications and help you to highlight issues for engagement

Many of these sources will be consulted as a matter of course when reviewing or developing a policy. Equalities considerations are one part of the policy process, not an extra.

Service user information

The type of information you need will depend on the nature of the policy. However, information relating to service users is usually essential. Consider:

- The full range of information that you already have about the user group e.g. information contained within service reviews, audit reports, performance reviews, consultation reports
- Who actually uses the service?
- When do they use it?
- How do they use it and what are their experiences?
- Are there alternative sources of provision that could be accessed?
- Who will be using the service in the future?
- Information from groups or agencies who deliver similar services to your target group e.g. survey results from voluntary and community organisations.

Identify your information gaps

If you do not have equality information relating to a particular policy or about some protected groups, you will need to take steps to fill in your information gaps. This could mean doing further research, undertaking a short study, conducting a one off survey or consultation exercise, holding a focus group etc.

Engagement

The Consultation team are available to advise on all aspects of engagement. You may wish to carry out engagement, which can help you to:

- Gather the views, experiences and ideas of those who are, or will be, affected by your decisions.
- Base your policy on evidence rather than on assumptions
- Check out your ideas
- Find solutions to problems and develop ways to overcome barriers faced by particular groups.
- Design more appropriate services,
- Monitor and evaluate the success of your policies and understand where improvements may be necessary.
- Avoid the costs of remedying and adapting services after their implementation
- Pre-empt complaints, which can be costly and time-consuming.

But remember you don't always have to consult or embark upon engagement if you already have enough information to assess the likely impact of the policy change on the equality needs, and if there is no other legal duty to consult. This engagement can form part of the broader consultation being carried out around service changes. You can also use recent engagement and research activities as a starting point, for example on a related policy or strategy and you can use documentation resulting from other equality analysis that Brent Council (or others) have undertaken.

For your engagement to be effective you will need to:

- Think carefully about who you should engage with. You will need to prioritise those who are most likely to be affected by the policy and those who will experience the greatest impact in terms of equality and good relations.
- In regard to people with a disability, as good practice it is recommended that they should be actively involved in engagement activity which directly affects them or the services that they receive.
- Make sure that the level of engagement is appropriate to the significance of the policy and its impact on equality
- Consider what questions you will need to ask, in order to understand the effect of the policy on equality. If you find it difficult to frame suitable questions you may take advice from the Corporate Diversity and Consultation teams
- Link into existing forums or community groups or to speak with representatives to help you reach less visible groups or those you have not engaged with before.
- Create opportunities for people to participate in supportive and safe environments where they feel their privacy will be protected, or via technology such as the internet
- Think of strategies that address barriers to engagement. Other people in the council have experience of this and can advise, as can the Corporate Diversity team and the Consultation team.

Stage 4: Drawing conclusions

You will need to review all of the information you have gathered in order to make a judgement about what the likely effect of the policy will be on equality, and whether you need to make any changes to the policy.

You may find it useful to ask yourself “What does the evidence (data, consultation outcomes etc.) tell me about the following questions”:

- Could the policy outcomes differ between protected groups? If so, is that consistent with the policy aims?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?

If the answer to any of the above is "yes", you should consider what you can do to mitigate any harmful effects. Advice from the Diversity team will be particularly helpful at this stage.

You will also want to identify positive aspects of the policy by asking yourself:

- Does the policy deliver practical benefits for protected groups?
- Does the policy enable positive action to take place?
- Does the policy help to foster good relations between groups

Having considered the potential or actual effect of your policy on equality, you should be in a position to make an informed judgement about what should be done with your policy.

There are four main steps that you can take:

- **No major change**
- **Adjust the policy**
- **Continue the policy**
- **Stop and remove the policy**

(please see EA form for detailed descriptions of each decision)

Decisions may involve careful balancing between different interests, based on your evidence and engagement. For example, if the analysis suggests the needs of two groups are in conflict, you will need to find an appropriate balance for these groups and for the policy in question. The key point is to make sure the conclusions you reach can be explained and justified. Speak to the Diversity team if you are unsure. As a result of your analysis you may need to develop new equality objectives and targets. These should be documented on the EA form.

Stage 5: Auditing

Once you have completed the EA you will need to complete the EA Form and send it to the Corporate Diversity Team for auditing. It is important to ensure that the EA Form is completed as fully as possible. Documenting all of your analysis is important to ensure that you can show how the general and specific duties are being met. This aspect of the analysis has been subject to legal challenge so you need to be able to show how you reached your conclusions. The audit process involves the Corporate Diversity Team reviewing the completed form, the information and evidence. Sometimes this may require advice from Legal. You need to bear in mind that this will take at least five days. The team will send you back a feedback form with comments and recommendations which you will need to action prior to the sign off of the form.

Stage 6: Sign Off, Decision and Publishing

Once the EA Form is completed, the document must be signed off and the completed document must be sent to the Corporate Diversity Team to be published on the council website.

Decision-making

In order to have due regard to the aims of the public sector equality duty, decision-making must be based on a clear understanding of the effects on equality. This means that Directors, CMT and others who ultimately decide on the policy are fully aware of the findings of the EA and have due regard to them in making decisions. They are also entitled to take into account countervailing factors such as budgetary and practical constraints.

Stage 7: Monitoring and Reviewing

Your EA, and any engagement associated with it, will have helped you to anticipate and address the policy's likely effects on different groups. However, the actual effect of the policy will only be known once it has been introduced. You may find that you need to revise the policy if, for instance:

- Negative effects do occur
- Area demographics change, leading to different needs,
- Alternative provision becomes available
- New options to reduce an adverse effect become apparent

You will need to identify a date when the policy will be reviewed to check whether or not it is having its intended effects. This does not mean repeating the EA, but using the experience gained through implementation to check the findings and to make any necessary adjustments. Consider:

- How you will measure the effects of the policy?
- When the policy will be reviewed (usually after a year) and what could trigger an early revision (see above)?
- Who will be responsible for monitoring and review?
- What type of information is needed for monitoring and how often it will be analysed?
- How to engage stakeholders in implementation, monitoring and review?

Section 3: Glossary

Civil partnership: Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

Direct discrimination: This refers to less favourable treatment of one individual, if, because of that person's protected characteristic, that person is treated less favourably than another. Direct discrimination cannot be justified unless it is discrimination on the grounds of age.

Disability: A person has a disability if s/he has 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.

Equality information: The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This may include the findings of engagement with protected groups and others and evidence about the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

Gender reassignment: This is the process of transitioning from one sex to another. See also trans, transgender, transsexual.

Harassment: Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

Indirect discrimination: This is when a neutral provision, criterion or practice is applied to everyone, but which is applied in a way that creates disproportionate disadvantage for persons with a protected characteristic as compared to those who do not share that characteristic, and cannot be shown as being a proportionate means of achieving a legitimate aim.

Mitigation: This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups.

Objective justification: Your provision may indirectly discriminate against a particular group if:

- It is a proportionate means to achieve a legitimate end
- The discrimination is significantly outweighed by the benefits
- There is no reasonable alternative to achieve the legitimate end

For example, some employers have policies that link pay and benefits to an employee's length of service, such as additional holiday entitlement for long-serving employees. This may indirectly discriminate against younger people who are less likely to have been employed for that length of time, but in most circumstances it is seen as being a proportionate way of encouraging staff loyalty.

Direct discrimination on the grounds of age can also be objectively justified (no other direct discrimination can be).

Positive action: Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (for example, providing mentoring to encourage staff from under-represented groups to apply for promotion).

Pregnancy and Maternity: Pregnancy is the condition of being pregnant. Maternity is the period after giving birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

Proportionality: The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

Race: This refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins.

Reasonable adjustment: Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

Relevance: How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

Religion or belief: Religion means any religion, including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

Sexual orientation: This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Trans: The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyne/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

Transgender: An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

Transsexual: A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

Victimisation: Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.

A Summary of the Equality Act 2010

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. The legislation covers:

- Employment and work
- Goods and services
- The exercise of public functions
- Premises
- Associations
- Transport
- Education

The act prohibits:

- Direct discrimination
- Indirect discrimination
- Discrimination by association
- Discrimination by perception
- Discrimination arising from disability
- Victimisation
- Harassment

The new legislation no longer refers to 'diversity strands' instead it introduces the concept of 'protected characteristics or groups, the protected characteristics are:

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

The Public Sector Equality Duty

The public sector equality duty requires that the council must, in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are generally referred to as the three arms of the duty. In relation to 'fostering' there is a duty to have due regard to the need to tackle prejudice and promote understanding.

Equality of opportunity is expanded by placing a duty on the Council to have due regard to the need to:

- Remove or minimize disadvantages connected to a characteristic of a protected group.
- Take steps to meet the needs of protected groups.
- Encourage participation of protected groups in public life where participation is proportionately low.

There is also a specific requirement that councils must take steps to take account of a person's disability and there is a duty to make reasonable adjustments to remove barriers for disabled people. The duty is 'anticipatory'. For example, Brent Council cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what people with a range of impairments might reasonably need.

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