**EQUALITY IMPACT ASSESSMENT (EQIA):**

**SCREENING FORM**

Introduction to the EQIA screening process

A successful EQIA screening will look at 5 key areas:

1. **Identify the Policy, Project, Service Reform or Budget Option to be assessed**

A clear definition of what is being screened and its aims

1. **Gathering Evidence & Stakeholder Engagement**

Collect datato evidence the type of barriers people face to accessing services (research, consultations, complaintsand/or consult with equality groups)

1. **Assessment & Differential Impacts**

Reaching an informed decision on whether or not there is a differential impact on equality groups, and at what level

1. **Outcomes, Action & Public Reporting**

Develop an action plan to make changes where a negative impact has been assessed. Ensure that both the assessment outcomes and the actions taken to address negative impacts are publically reported

1. **Monitoring, Evaluation & Review**

Stating how you will monitor and evaluate the **Policy, Project, Service Reform or Budget Option** to ensure that you are continuing to achieve the expected outcomes for all groups.

**1. IDENTIFY THE POLICY, PROJECT, SERVICE REFORM OR BUDGET OPTION**:

1. Name of the Policy, Project, Service Reform or Budget Option to be screened

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| Education Appeals Committee (EAC).Access to the committee and its decision-making in respect of appeals from parents/appellants regarding appeals against refusal of placing requests and exclusion of young people from educational establishments. Local Authorities have a statutory duty to deliver this service.  |

1. Reason for Change in Policy or Policy Development

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| No change to existing procedure as such, however the committees are now to be held by video conference which requires a review. The opportunity was undertaken to review the process in the light of input from Legal Services when considering the options to allow the EAC to have remote hearings and ensure that the committee was fully accessible to all appellants, given the current restrictions and in light of Scottish Government guidance re the COVID-19 pandemic. It also allowed the team to consider future working arrangements. |

1. List main outcome focus and supporting activities of the Policy, Project, Service Reform or Budget Option

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| The EAC is a quasi – judicial body established by legislation, whose terms of reference are to determine appeals from parents and young persons regarding (1) refusals by the education authority of placing requests made by parents for places in schools of their choice and (2) decisions to exclude children or young persons from school. |

1. Name of officer completing assessment (signed and date)

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| --- |
| Anne Marie Carr, Assistant Committee Services Manager. |

1. Assessment Verified by (signed and date)

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| Elaine Galletly, Head of Legal and Administration. |

# GATHERING EVIDENCE & STAKEHOLDER ENGAGEMENT

The best approach to find out if a policy, etc is likely to impact positively or negatively on equality groups is to look at existing research, previous consultation recommendations, studies or consult with representatives of those groups. You should list below any data, consultations (previous relevant or future planned), or any relevant research or analysis that supports the Policy, Project, Service Reform or Budget Option being undertaken.

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| --- | --- | --- |
| Please name any research, data, consultation or studies referred to for this assessment: | Please state if this reference refers to one or more of the protected characteristics:* age
* disability,
* race and/or ethnicity,
* religion or belief (including lack of belief),
* gender,
* gender reassignment,
* sexual orientation
* marriage and civil partnership,
* pregnancy and maternity,
 | Do you intend to set up your own consultation? If so, please list the main issues that you wish to address if the consultation is planned; or if consultation has been completed, please note the outcome(s) of consultation. |
| The Education Appeals Committee was established by the Council and approved its terms of reference on 17 May 2017. The establishment of the Committee conforms to legislation.<https://www.glasgow.gov.uk/councillorsandcommittees/submissiondocuments.asp?submissionid=83692>  | The Council has a robust decision making structure and takes account of the relevant protected characteristics, viz:- disability, language, race and/or ethnicity and takes account of these in facilitating access to the committee hearing process by all relevant stakeholders/parents/appellants e.g access to CORDIA’s interpreting service and to Sensory Impairment Services for those with sight or hearing impairment. | N/A |

# ASSESSMENT & DIFFERENTIAL IMPACTS

Use the table below to provide some **narrative** where you think the **Policy, Project, Service Reform or Budget Option** has either a positive impact (contributes to promoting equality or improving relations within an equality group) or a negative impact (could disadvantage them) and note the reason for the change in policy or the reason for policy development, based on the evidence you have collated.

| **Protected Characteristic** | **Specific Characteristics** | **Positive Impact** **(it could benefit an equality group)** | **Negative Impact –** **(it could disadvantage an equality group)** | **Socio Economic /** **Human Rights Impacts** |
| --- | --- | --- | --- | --- |
| **SEX/ GENDER** | Women | Not applicable |  |  |
|  | Men |  |  |  |
|  | Transgender |  |  |  |
|  |
| **RACE\*** | White |  | Aware in some cases access to the hearing process may be a barrier for some people due to language issues. It is recognised there may be a need to seek access to translation/interpreting services via CORDIA. |  |
| *Further information on the breakdown below each of these headings, as per census, is available* [*here.*](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwij_q-kganSAhXEDsAKHZoeBgcQFggcMAA&url=https%3A%2F%2Fwww.ons.gov.uk%2Fons%2Fguide-method%2Fharmonisation%2Fprimary-set-of-harmonised-concepts-and-questions%2Fethnic-group.pdf&usg=AFQjCNFH-QwgZzHMg_lyyP4rhOqS2uZWjw)*For example Asian includes Chinese, Pakistani and Indian etc* | Mixed or Multiple Ethnic Groups |  |
| Asian |  |
| African |  |
| Caribbean or Black  |  |
| Other Ethnic Group |  |
|  |
| **DISABILITY** | Physical disability | If people are unable to attend the committee, there is now the opportunity to attend virtually by way of video conferencing. This is a new approach as a result of covid, but is something which could be used in the future to support those with disabilities.  | Aware in some cases that access to the hearing process may be a barrier due to a disability. It is recognised there may be a need to access Sensory Impairment Services e.g. Centre for Sensory Impairment. |  |
| *A definition of disability under the Equality Act 2010 is available* [*here.*](https://www.gov.uk/definition-of-disability-under-equality-act-2010) | Sensory Impairment(sight, hearing, ) |  |
| Mental Health  |  |
| Learning Disability |  |
| **LGBT** | Lesbians | Not applicable |  |  |
|  | Gay Men |  |  |  |
|  | Bisexual |  |  |  |
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| **AGE** | Older People (60 +) |  |  |  |
|  | Younger People (16-25) | EAC provides a mechanism for young people (those over school age but under 18) to represent themselves at EAC hearings. They choose to attend or not. If they attend this can be with or without support/representation. The procedures at the Committee are explained beforehand. Young persons will have an opportunity to present their case and provide their views.  | Young people will need to access support/representation if required. They will be responsible for sourcing funding if required.  |  |
|  | Children (0-16) | Positive impact on the outcome of appeals for parents/appellants of children and young people of school age EAC provides a mechanism for parents to represent their children at EAC hearings (in certain instances a child can appeal an exclusion). They choose to attend or not. If they attend this can be with or without support/ representation The procedures at the Committee are explained beforehand. Parents will have an opportunity to present their case and provide their views, along with the child’s views. | Parents will need to access support/representation if required. They will be responsible for sourcing funding if required. |  |
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| **MARRIAGE** **& CIVIL PARTNERSHIP** | Women | Not applicable |  |  |
|  | Men |  |  |  |
|  | Lesbians |  |  |  |
|  | Gay Men |  |  |  |
|  |
| **PREGNANCY & MATERNITY** | Women | Not applicable |  |  |
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| **RELIGION & BELIEF**\*\*A list of religions used in the census is available [here.](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwi0tbauhqnSAhVkDMAKHRrOBtAQFggkMAE&url=https%3A%2F%2Fwww.ons.gov.uk%2Fons%2Fguide-method%2Fharmonisation%2Fsecondary-set-of-harmonised-concepts-and-questions%2Fnational-and-religious-identity.pdf&usg=AFQjCNEq3xYwRxcbtwe3qqtyFgstlLd1WQ&bvm=bv.148073327,d.ZGg) | See note | The EAC hearings process is non-partisan, its sole function being to facilitate access to justice in terms of appeals regarding placing request refusals and exclusions from school. |  |  |

\* For reasons of brevity race is not an exhaustive list, and therefore please feel free to augment the list above where appropriate; to reflect the complexity of other racial identities.

\*\* There are too many faith groups to provide a list, therefore, please input the faith group e.g. Muslims, Buddhists, Jews, Christians, Hindus, etc. Consider the different faith groups individually when considering positive or negative impacts. A list of religions used in the census is available [here.](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwi0tbauhqnSAhVkDMAKHRrOBtAQFggkMAE&url=https%3A%2F%2Fwww.ons.gov.uk%2Fons%2Fguide-method%2Fharmonisation%2Fsecondary-set-of-harmonised-concepts-and-questions%2Fnational-and-religious-identity.pdf&usg=AFQjCNEq3xYwRxcbtwe3qqtyFgstlLd1WQ&bvm=bv.148073327,d.ZGg)

Summary of Protected Characteristics Most Impacted

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| Typically this would impact the following areas:- disability, race/ethnicity. There is an awareness of the pathways to resolve any barriers here, for example via the translation service provided by Cordia and the service available through the Sensory Impairment Service. In addition the Council has disabled access points for anyone requiring wheelchair access, and the ability to have virtual hearing may support those with disabilities. The appeals process can also be conducted by written representation if requested by parents. |

Summary of Socio Economic Impacts

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| No significant socio-economic impacts have been identified at this time. |

Summary of Human Rights Impacts

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| The EAC hearing process upholds the principles contained in the European Convention on Human Rights and complies with legislation to facilitate access to the hearing process for appellants to redress the reasons for refusal of placing requests and exclusions from schools. There is also an awareness of the United Nations Convention on The Rights of The Child which the Scottish Government have given a commitment to incorporate into Scottish Law to the extent that they have power to do so.  |

# OUTCOMES, ACTION & PUBLIC REPORTING

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| --- | --- |
| **Screening Outcome** | **Yes /No** **Or /****Not At This Stage** |
| **Was a significant level of negative impact arising from the project, policy or strategy identified?** | Not at this stage |
| **Does the project, policy or strategy require to be amended to have a positive impact?** | Not at this stage |
| **Does a Full Impact Assessment need to be undertaken?** | Not at this stage |

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| **Actions: Next Steps**(i.e. is there a strategic group that can monitor any future actions) |
| **Further Action Required/ Action To Be Undertaken** | **Lead Officer and/or****Lead Strategic Group** | **Timescale for Resolution of Negative Impact (s) / Delivery of Positive Impact (s)** |
| The process will be reviewed at the end of the current Administration. | Committee Services/Legal Services | In the interim, the process will be reviewed on a rolling basis as there are different appellants each year and access issues will be reflected in any updates. Lessons will be learned from the new process of video conferencing and any benefits can be used and improved for the future where appropriate.  |

**Public Reporting**

All completed EQIA Screenings are required to be publically available on the [Council EQIA Webpage](https://www.glasgow.gov.uk/index.aspx?articleid=17533) once they have been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. (See [EQIA Guidance](https://www.glasgow.gov.uk/index.aspx?articleid=17533): Pgs. 11-12)

# MONITORING OUTCOMES, EVALUATION & REVIEW

The Equalities Impact Assessment (EQIA) screening is not an end in itself but the start of a continuous monitoring and review process. The relevant Strategic, Policy, or Operational Group responsible for the delivery of the Policy, Project, Service Reform or Budget Option, is also responsible for monitoring and reviewing the EQIA Screening and any actions that may have been take to mitigate impacts.

Individual services are responsible for conducting the impact assessment for their area, staff from **Corporate Strategic Policy and Planning** will be available to provide support and guidance.

## Legislation

**Equality Act (2010) - the Equality Act 2010 (Specific Duties) Scotland Regulations 2012**

# The 2010 Act consolidated previous equalities legislation to protect people from discrimination on grounds of:

* race
* sex
* being a transsexual person (transsexuality is where someone has changed, is changing or has proposed changing their sex – called ‘gender reassignment’ in law)
* sexual orientation (whether being lesbian, gay, bisexual or heterosexual)
* disability (or because of something connected with their disability)
* religion or belief
* having just had a baby or being pregnant
* being married or in a civil partnership, and
* age.

Further information: [Equality Act Guidance](https://www.gov.uk/equality-act-2010-guidance)

As noted the Equality Act 2010 simplifies the current laws and puts them all together in one piece of legislation. In addition the **Specific Duties (Scotland Regulations 2012)** require local authorities to do the following to enable better performance of the general equality duty:

* report progress on mainstreaming the general equality duty
* publish equality outcomes and report progress in meeting those
* impact assess new or revised policies and practices as well as making arrangements to review existing policies and practices
gather, use and publish employee information
* publish gender pay gap information and an equal pay statement
* consider adding equality award criteria and contract conditions in public procurement exercises.

Further information: [Understanding Scottish Specific Public Sector Equality Duties](http://www.equalityhumanrights.com/about-us/devolved-authorities/the-commission-in-scotland/legal-news-in-about-us/devolved-authorities/the-commission-in-scotland/articles/understanding-the-scottish-specific-public-sector-equality-duties)

**Fairer Scotland Duty**

Authorities should also consider Socio-Economic Impacts where appropriate. Further information: [Fairer Scotland Duty Interim Guidance](https://www.gov.scot/binaries/content/documents/govscot/publications/guidance/2018/03/fairer-scotland-duty-interim-guidance-public-bodies/documents/00533417-pdf/00533417-pdf/govscot%3Adocument)

**Enforcement**
Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty.  Only the EHRC can enforce the specific duties.   A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.