

Overview

Legal obligations under Section 149 of the Equality Act 2010: The Public Sector Equality duty

- As a public authority we must have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- The protected characteristics are: AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP
- Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:
 - a) Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - b) Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.
- Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.

Proposal Summary Information

Choose From:	Project	Title:	Special Education Needs: Re-designation of John Chilton Special School	Is it HR Related?	
				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Author	Tom Lindsay	Service	Schools Planning and Resources	Directorate	Children's Services
Corporate Purpose	Cabinet Report Decision	EA relates to	Project/scheme/initiative	If other please specify:	

1. What is the Initiative looking to achieve?

The change in designation of John Chilton School is to reflect the pupils that attend the school now, and are likely to in the future. John Chilton School has a record of achieving excellent standards in all aspects of its work. It has been cited by OFSTED as being a good school where teaching is good and the quality of teaching has continued to improve. The behaviour of pupils is outstanding. The pupils' conduct outside the classroom is exemplary. Pupils mix naturally and confidently with pupils from the academy. Lunchtimes and breaks are notable for the social cohesiveness between pupils from the two schools.

The school building is fully accessible for pupils with disabilities. Facilities include: hydrotherapy pool, therapy suite, food technology rooms and medical room. There are dedicated playgrounds for pupils in Foundation Stage, Key Stage 1 and 2 with a variety of outdoor equipment. There are currently 89 pupils on roll (May 2015 Census). The school provides for pupils with physical disabilities and associated learning difficulties. All the pupils have a statement of special educational needs or an education, health and care plan.

2. Which protected groups who will be affected¹:

Parents of current pupils at the school (including in the nursery), parents of future pupils at the school and local residents will be affected so potentially all of the protected groups will be affected.

¹ AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP

Assessment of the Potential Effect on People with the Protected Characteristics

Characteristic: AGE	Does Your Proposal:		
Description: A person of a particular age or being within an age group	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Describe the effect:		Describe the action:
	The designation of John Chilton School from a special school for pupils with physical difficulties to pupils who have moderate or severe learning difficulties, alongside their physical disability will better reflect the pupils that attend the school now, and are likely to in the future.		No negative effect on persons due to their age has been identified.

Characteristic: DISABILITY	Does Your Proposal:		
Description: 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 ²	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Describe the effect:		Describe the action:
	The designation of John Chilton School from a special school for pupils with physical difficulties to pupils who have moderate or severe learning difficulties, alongside their physical disability will better reflect the pupils that attend the school now, and are likely to in the future.		The change in designation better reflects how the school meets the needs of disabled pupils who attend the school now, and who are likely to attend in the future.

² Due regard to meeting the needs of people with disabilities involves taking steps to take account of their disabilities and may involve making reasonable adjustments and prioritizing certain groups of disabled people on the basis that they are particularly affected by the proposal.

Assessment of the Potential Effect on People with the Protected Characteristics

Characteristic: GENDER REASSIGNMENT	Does Your Proposal:		
Description: This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Describe the effect:		Describe the action:
	Neutral impact. Persons who are undergoing gender reassignment or consider themselves to be trans, transgender and transsexual may have children at or work at the school.		Ensure that school policy continues to ensure that people with protected characteristics are considered and fair policies developed. Ensure regular review of policies is undertaken.

Characteristic: RACE	Does Your Proposal:		
Description: A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Describe the effect:		Describe the action:
	The school is a mixed community special school and admits children with a Statement of Educational Need or with an Education, Health and Care Plan and does not discriminate based on race so the impact is considered neutral. The proposals will meet the statutory duty on schools to promote community cohesion and the school would build on and further develop the current approach to community cohesion including building on the strong partnership with parents.		No negative impact identified.

Characteristic: RELIGION & BELIEF	Does Your Proposal:		
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Assessment of the Potential Effect on People with the Protected Characteristics

<p>Description: Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect a person's life choices or the way you live for it to be included.</p>	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.	
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:	
	Description:		Description:	
	The school is a mixed community school and does not admit pupils according to their religious beliefs so neutral impact identified.		Ensure that school policy continues to ensure that people with protected characteristics are considered and fair policies developed. Ensure regular review of policies is undertaken.	

<p>Characteristic: SEX</p>	Does Your Proposal:		
<p>Description: Someone being a man or a woman</p>	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Describe the effect:		Describe the action:
	The school is a mixed gender community special school and admits children with a Statement of Educational Need or with an Education, Health and Care Plan and does not discriminate based on gender so the impact is considered neutral.		Ensure that school policy continues to ensure that people with protected characteristics are considered and fair policies developed. Ensure regular review of policies is undertaken.

<p>Characteristic: SEXUAL ORIENTATION</p>	Does Your Proposal:		
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Assessment of the Potential Effect on People with the Protected Characteristics

Description: A person's sexual attraction towards his or her own sex, the opposite sex or to both sexes.	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Description:		Description:
	No differential impact on people based on sexual orientation so neutral impact identified.		Ensure that school policy continues to ensure that people with protected characteristics are considered and fair policies developed. Ensure regular review of policies is undertaken.

Characteristic: PREGNANCY & MATERNITY	Does Your Proposal:		
Description: Pregnancy: Being pregnant. Maternity: The period after giving birth - 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	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Describe the effect:		Describe the action:
	No differential impact on people based on pregnancy & maternity so neutral impact identified.		Ensure that school policy continues to ensure that people with protected characteristics are considered and fair policies developed. Ensure regular review of policies is undertaken.

Characteristic:	
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Assessment of the Potential Effect on People with the Protected Characteristics

MARRIAGE & CIVIL PARTNERSHIP	Does Your Proposal:	
Description: Marriage: A union between a man and a woman. Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters.	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	
	Yes <input type="checkbox"/> No <input type="checkbox"/>	
	For the duty above, consider whether the impact is positive, negative, a combination of both, or neutral:	Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Describe the effect:	Describe the action:
	No differential impact on people based on marriage and civil partnership so neutral impact identified.	Ensure that school policy continues to ensure that people with protected characteristics are considered and fair policies developed. Ensure regular review of policies is undertaken..

4. Human Rights	4a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Describe the effect and any mitigating action you have considered.	4b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child? Yes <input type="checkbox"/> No <input type="checkbox"/>	
	For further guidance please refer to the Human Rights & URNC Guidance on the Council Equalities web page.	
	The proposal links to article 28 (right to education) as defined by the UN Convention on the Rights of the Child, that "all children have the right to a primary education". The designation of John Chilton School from a special school for pupils with physical difficulties to pupils who have moderate or severe learning difficulties, alongside their physical disability will better reflect the pupils that attend the school now, and are likely to in the future.	

5. Information	5a. What evidence, data sources and intelligence did you use to assess the potential impact/effect of your proposal? Please note the systems/processes you used to collect the data that has helped inform your proposal. Please list the file paths and/or relevant web links to the information you have described.	
	Consultation was carried out with all parents, staff, other special schools, therapy services and Alec Reed Academy. Adjacent Local Authorities have been informed of the proposals. Two meetings were held for interested parties on Tuesday 12 May 2015 at 2.00pm and 7.00pm. Parents and therapists were represented at the meetings.	
	5b. What has your analysis of the information shown. Is there evidence of lawful/unlawful discrimination?	
	During the consultation parents expressed a wish for their children to stay at John Chilton School for sixth form. The desire to stay post 16 was also expressed by a number of pupils. This is an area that the school has undertaken an audit of need for the pupils currently at John Chilton School, as to best placement post Y11. The figures would indicate a need of 7-9 pupils over Y12 and 13 growing to 12-15 over four years.	

Assessment of the Potential Effect on People with the Protected Characteristics

Ealing Council has taken on greater responsibility for post-16 High Needs provision since 2013/14 academic year. The LA has started a widespread review of SEN Post 16 commissioning with a focus on identifying pathways which offer the best opportunities for young people to make progress all the way through to age 25. Discussions are underway with college and special school providers on the nature and extent of provision, including understanding how best to provide progression routes, meet student's therapy and other needs and travel arrangements. While this review is underway the LA believes it would be premature to support any proposals to increase the age range at borough Special Schools. As a result, this proposal only involves a proposal to change the designation of John Chilton School.

Looking Ahead

6. Action Planning	Actions (Include any actions you plan to take to reduce any negative effect on your proposal in addition to other key project milestones)	Outcomes	Success Measures	Timescales/ Milestones	Lead Officer (Include contact email and telephone number)
	Cabinet consider progressing to statutory proposals stage	Cabinet consider and approve recommendations to progress to publishing statutory proposals	John Chilton changes Designation	January 2016	Tom Lindsay, High Needs Strategic Planning Adviser, tlindsay@ealing.gov.uk 020 8825 6802

7. Have the above actions been incorporated into your service/business plan or dedicated project plan?	If no, how will you measure the effect of your decision/policy/project/service on an ongoing basis? What ongoing outcomes are you intending to monitor?	Date for post implementation review
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	•	

