Shropshire Equality and Social Inclusion Impact Assessment (ESIIA)

Contextual Notes 2014

The What and the Why:

The Equality and Social Inclusion Impact Assessment (ESIIA) tool replaces the Equality Impact Needs Assessment (EINA) tool previously in use by Shropshire Council. It is a tool to help us to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

What we are now doing is broadening out such assessments to consider social inclusion. This is so that we are thinking as carefully and completely as possible about all groups and communities in Shropshire, including people in rural areas and people we may describe as vulnerable, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age, eg Gender Reassignment. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services, such as through a new policy or a change in procedure. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010 to have what is called *due regard* to the three equality aims in our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

The How:

The assessment comprises two parts: a screening part, and a full report part.

Screening (Part One) enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A *full report (Part Two)* needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or where there are human rights implications. If you are not sure, a full report is recommended, as it enables more evidence to be collected that will help you to reach an informed opinion.

Shropshire Council Part 1 ESIIA: initial screening and assessment

Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.

Name of service change

Transfer of the delivery of certain education support services to ip&e Ltd which can be summarised into two broad categories:

- fully traded services that are underwritten by a combination of traded income from schools, parents and external grants (School Library Services, Shropshire Music Services, School Financial Services, Schools IT Support Services); and,
- services that both trade directly with schools and are also commissioned under contract back by the Council to meet either statutory responsibilities that cannot be delivered by a residual Council-side core team, or provide key business support functions required by the commissioning council (Education Access Services, Information Advice and Guidance, Governor Services and Education Improvement Services).

Ip&e Ltd (Inspiring Partnerships & Enterprise Ltd) is a wholly owned Council company that provides public services on behalf of Shropshire Council. It aims to enable the Council to reinvest profit from any trading back into Shropshire services.

Aims of the service change and description

The proposed transfer of service delivery to ip&e Ltd aims in the short term to maintain and consolidate the existing significant local market share in the face of increasing competition from other providers, and to use this platform to grow the business beyond the county boundaries in the medium to long term. The services will be better placed to respond to the challenge by becoming more commercial, customer-focussed and responsive to an ever-changing education and wider public sector landscape.

At this stage the intention is to transfer delivery of the services on a 12 month interim basis. The longer term commissioning options will be the subject of further consideration by the Council during this 12 month interim period.

Intended audiences and target groups for the service change

The service change impacts on a wide range of stakeholders, including:

- Schools, academies, colleges, early years settings and other education providers, including staff, governors, parents, families and children
- Trusts, federations, school companies, learning partnerships and other collaborative and representative groups
- Health, social care and voluntary sector colleagues and partners
- Diocesan education boards, Shropshire School Governors Council
- Information, Advice and Support Service, Parent and Carers Council
- Elected members and MPs
- National government agencies: Department for Education, Ofsted, Education Funding Agency, Regional Schools Commissioner, Arts Council

Vulnerable groups including children with SEN (special educational needs), LAC (looked after children), children missing education, elective home educators, pupils eligible for pupil premium, NEETs (Not in Education, Employment or Training).

Evidence used for screening of the service change

The primary evidence used in developing the proposal to transfer the delivery of services into ip&e Ltd is the Council's past and future financial savings targets and the impact this has had and will continue to have on service team budgets, staffing numbers and on the resilience, level and quality of services that can be delivered now and in the future.

The other risk factor is the impact of other providers entering the local education support services marketplace, the potential reduction on market share, loss of vital intelligence on Shropshire schools compromising the ability of the Council to fulfil its statutory responsibilities, and the loss of influence on the educational outcomes and social well-being of the county's children and young people.

Specific consultation and engagement with intended audiences and target groups for the service change

A number of briefings have taken place and communications sent out to key stakeholders including school leaders and governors – both directly and via representative groups - on the proposal to bring education support services under the Inspire to Learn banner and for the delivery of these services to eventually transfer into ip&e Ltd. While the feedback has been fairly limited there has been support for the approach being taken by the Council, much of this related to the generally strong relationships between the local authority and Shropshire schools.

The service offer to schools for 2015/16 under the Inspire to Learn has been managed and co-ordinated via ip&e Ltd with significant engagement at the individual school level, particularly in the Spring term 2015.

Consultation with staff has primarily been conducted via staff briefing sessions across all services and within individual service areas following the Cabinet decision in January 2014 to undertake further work on the transfer of services into ip&e Ltd. Newsletters and emails have been used to keep staff informed of developments.

Potential impact on Protected Characteristic groups and on social inclusion

Guidance notes on how to carry out the initial assessment

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.

1. Have the intended audiences and target groups been consulted about:

- their current needs and aspirations and what is important to them;
- the potential impact of this service change on them, whether positive or negative, intended or unintended;
- the potential barriers they may face.

2. If the intended audience and target groups have not been consulted directly, have representatives been consulted, or people with specialist knowledge, or research explored?

3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?

4. Are there systems set up to:

- monitor the impact, positive or negative, intended or intended, for all the different groups;
- enable open feedback and suggestions from a variety of audiences through a variety of methods.

5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?

6. Will the service change as proposed have a positive or negative impact on fostering good relations?

7. Will the service change as proposed have a positive or negative impact on social inclusion?

Guidance on what a negative impact might look like

High Negative	Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
Medium Negative	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers, general public, workforce
Low Negative	Almost bordering on non-relevance to the ESIIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column.

Protected Characteristic groups and other groups in Shropshire	High negative impact *Part Two ESIIA required*	High positive impact *Part One ESIIA required*	Medium positive or negative impact *Part One ESIIA required*	Low positive or negative impact *Part One ESIIA required*
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg young person with disability)			√	
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				√
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				√
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				√
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				√
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				√
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				√
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				√
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				√
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people you consider to be vulnerable)			√	

Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	√	
Proceed to Part Two Full Report?		√

Actions to mitigate negative impact or enhance positive impact of the service change

From the service users perspective the transfer of the delivery of education support services into ip&e Ltd should not have a negative impact, in fact one of the rationales for the change is to enhance the offer to schools, education settings and families. Many of the service teams have traded successfully with Shropshire schools and families for many years but will benefit from being joined with other services in a single commercial enterprise that is fit for purpose and able to take up the challenge of operating effectively in an increasingly competitive education services marketplace while retaining a strong Shropshire ethos.

The primary issues from the end user perspective are the range, responsiveness and quality of services as well as the value for money. Through Inspire to Learn schools, education settings and families will be able to contribute to the redesign and co-design of future services and products.

The intention of ip&e Ltd is to grow the business, primarily outside of the county borders, and to reinvest profits back into the community of Shropshire, another positive consequence of the proposed change.

Actions to review and monitor the impact of the service change

An outline framework will need to be developed setting out the governance arrangements that are required to be put in place. The framework will include:
- provision by ip&e Ltd of financial and performance information as will be required through the service contract
- a system of quality auditing by the commissioners, being officers with knowledge and appropriate experience of the specific services
- regular performance management meetings between the two parties
- oversight through the existing Council governance arrangements supporting the strategic contract with ip&e Ltd
- a specific contract governance board that acts in an advisory capacity to Cabinet/Council; portfolio holders will sit on this board
- an annual review process and an annual report to Cabinet detailing the outcomes of the annual review and overall performance against the contract.
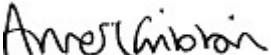
The appropriate service delivery contract will be drawn up to take account of the range and complexity of the services that will be delivered via ip&e Ltd. The contract will need to distinguish between the requirement to deliver services direct to schools, education settings and parents through the sub-contracting of this traded business, and the work being commissioned back by the Council to deliver a range of statutory functions for which it is responsible. The contract will include the appropriate review, quality assurance and monitoring arrangements.

There will be an ongoing engagement with stakeholders across the target groups identified above to monitor the impact on the service change on their access to appropriate support services.

Scrutiny at Part One screening stage

People involved	Signatures	Date
Lead officer carrying out the screening Phil Wilson, Service Delivery Manager		12 March 2015
Any internal support None		n/a
Any external support Lois Dale, Principal Rural Policy Officer		16 March 2015
Head of service Anne Gribbin		12 March 2015

Sign off at Part One screening stage

Name	Signatures	Date
Lead officer's name Phil Wilson, Service Delivery Manager		12 March 2015
Head of service's name Anne Gribbin		12 March 2015

Shropshire Council Part 2 ESIIA: full report

Guidance notes on how to carry out the full report

The decision that you are seeking to make, as a result of carrying out this full report, will take one of four routes:

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

The Part Two Full Report therefore starts with a forensic scrutiny of the evidence and consultation results considered during Part One Screening, and identification of gaps in data for people in any of the nine Protected Characteristic groups and people who may be at risk of social exclusion, eg rural communities. There may also be gaps identified to you independently of this process, from sources including the intended audiences and target groups themselves.

The forensic scrutiny stage enables you to assess:

- **Which gaps need to be filled right now, to help you to make a decision about the likely impact of the proposed service change?**

This could involve methods such as: one off service area focus groups; use of customer records; examination of data held elsewhere in the organisation, such as corporate customer complaints; and reference to data held by similar authorities or at national level from which reliable comparisons might be drawn, including via the Rural Services Network. Quantitative evidence could include data from NHS Foundation Trusts, community and voluntary sector bodies, and partnerships including the Local Enterprise Partnership and the Health and Well Being Board. Qualitative evidence could include commentary from stakeholders.

- **Which gaps could be filled within a timeframe that will enable you to monitor potential barriers and any positive or negative impacts on groups and individuals further along into the process?**

This could potentially be as part of wider corporate and partnership efforts to strengthen the evidence base on equalities. Examples would be: joint information sharing protocols about victims of hate crime incidents; the collection of data that will fill gaps across a number of service areas, eg needs of young people with learning disabilities as they progress through into independent living; and publicity awareness campaigns that encourage open feedback and suggestions from a variety of audiences.

Once you have identified your evidence gaps, and decided on the actions you will take right now and further into the process, please record your activity in the following boxes. Please extend the boxes as needed.

Evidence used for assessment of the service change: activity record

How did you carry out further research into the nine Protected Characteristic groups and those who may be at risk of social exclusion, about their current needs and aspirations and about the likely impacts and barriers that they face in day to day living?

And what did it tell you?

Specific consultation and engagement with intended audiences and target groups for the service change: activity record

How did you carry out further specific consultation and engagement activity with the intended audiences and with other stakeholders who may be affected by the service change?

And what did it tell you?

Further and ongoing research and consultation with intended audiences and target groups for the service change: activity record

What further research, consultation and engagement activity do you think is required to help fill gaps in our understanding about the potential or known affect that this proposed service change may have on any of the ten groupings and on the intended audiences and target groups? This could be by your service area and/or at corporate and partnership level.

Full report assessment for each group

Please rate the impact as you now perceive it, by inserting a tick. Please give brief comments for each group, to give context to your decision, including what barriers these groups or individual may face.

Protected Characteristic groups and other groups in Shropshire	High negative impact	High positive impact	Medium positive or negative impact	Low positive or negative impact
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg young person with disability)				
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people you consider to be vulnerable)				

ESIIA Full Report decision, review and monitoring

Summary of findings and analysis - ESIIA decision

You should now be in a position to record your decision. Please highlight in bold the route that you have decided to take.

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

Please add any brief overall comments to explain your choice.

You will then need to create an action plan and attach it to this report, to set out what further activity is taking place or is programmed that will:

- *mitigate negative impact or enhance positive impact of the service change,*
AND
- *review and monitor the impact of the service change*

Please try to ensure that:

- *Your decision is based on the aims of the service change, the evidence collected, consultation and engagement results, relative merits of alternative approaches and compliance with legislation, and that records are kept;*
- *The action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.*

Scrutiny at Part Two full report stage

People involved	Signatures	Date
Lead officer		
Any internal support		
Any external support		
Head of service		

Sign off at Part Two full report stage

Signature (Lead Officer)	Signature (Head of Service)
Date:	Date:

Appendix: ESIIA Part Two Full Report: Guidance Notes on Action Plan

Please base your action plan on the evidence you find to support your decisions, and the challenges and opportunities you have identified. It could include arrangements for:

- continuing engagement and involvement with intended audiences, target groups and stakeholders;
- monitoring and evaluating the service change for its impact on different groups throughout the process and as the service change is carried out;
- ensuring that any pilot projects are evaluated and take account of issues described in the assessment, and that they are assessed to make sure they are having intended impact;
- ensuring that relevant colleagues are made aware of the assessment;
- disseminating information about the assessment to all relevant stakeholders who will be implementing the service change;
- strengthening the evidence base on equalities.

Please also consider:

- resource implications for in-house and external delivery of the service;
- arrangements for ensuring that external providers of the service are monitored for compliance with the Council's commitments to equality, diversity and social inclusion, and legal requirements including duties under the Equality Act 2010.

And finally, please also ensure that the action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

These are:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations

Note for 2014 refresh of our corporate equality impact assessment approach: Shropshire Council has referred to good practice elsewhere in refreshing the EINA material and replacing it with this ESIIA material. The Council is grateful in particular to Leicestershire County Council, for graciously allowing use to be made of their Equality and Human Rights Impact Assessments (EHRIAs) material and associated documentation.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Principal Rural Policy Officer and internal policy support on equality, via telephone 01743 255667, or email lois.dale@shropshire.gov.uk.