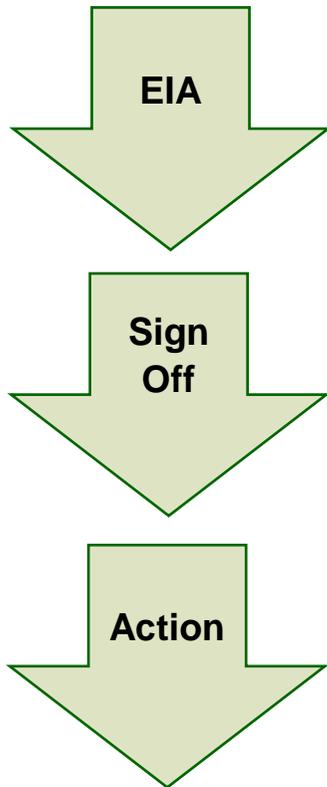


## Warwickshire County Council (WCC) Equality Impact Assessment (EIA) Form

The purpose of an EIA is to ensure WCC is as inclusive as possible, both as a service deliverer and as an employer. It also demonstrates our compliance with Public Sector Equality Duty (PSED).

This document is a planning tool, designed to help you improve programmes of work by considering the implications for different groups of people. A guidance document is available [here](#).

Please note that, once approved, this document will be made public, unless you have indicated that it contains sensitive information. Please ensure that the form is clear and easy to understand. If you would like any support or advice on completing this document, please contact the Equality, Diversity and Inclusion (EDI) team on 01926 412370 or via [equalities@warwickshire.gov.uk](mailto:equalities@warwickshire.gov.uk), or if it's relating to health inequalities, please contact Ruby Dillon via [rubydillon@warwickshire.gov.uk](mailto:rubydillon@warwickshire.gov.uk).



- Having identified an EIA is required, ensure that the EIA form is completed before any work is started. This includes gathering evidence and / or engaging the relevant stakeholders to inform your assessment.
- Brief the relevant Assistant Director for sign off and upload the completed form here: [Upload Completed Equality Impact Assessments](#). Please name it “EIA [project] [service area] [year]”
- Undertake further research / engagement to further understand impacts (if identified).
- Undertake engagement and / or consultation to understand if EIA has identified and considered impacts.
- Amend accordingly to engagement / consultation feedback and brief decision makers of any changes.
- Implement proposed activity.
- Monitor impacts and mitigations as evidence of duty of care.

## Section One: Essential Information

<b>Service / policy / strategy / practice / plan being assessed</b>	Fair Access Protocol
<b>Business Unit / Service Area</b>	Education and Learning
<b>Is this a new or existing service / policy / strategy / practice / plan?</b>  If existing, please state date of last assessment.	No
<b>EIA Authors</b>  <b>N.B.</b> It is best practice to have more than one person complete the EIA to bring different perspectives to the table.	Guy Darvill/ Marie Rooney
<b>Do any other Business Units / Service Areas need to be included?</b>	No
<b>Does this EIA contain personal and / or sensitive information?</b>	No
<b>Are any of the outcomes from this assessment likely to result in complaints from existing services users, members of the public and / or employees?</b>	If <b>yes</b> , please let your Assistant Director and the Customer Relations Team know as soon as possible

## 1. Please explain the background to your proposed activity and the reasons for it.

- i) The School Admissions Code 2021, issued under section 84 School Standards and Framework Act 1998, requires each local authority to have in place a Fair Access Protocol (FAP) agreed with the majority of schools in its area. The requirement is supplemented by further advice from the Department for Education (DFE) 'Fair Access Protocols: Principles and Process' published in August 2021. This sets out some principles to clarify the expectations on all state funded schools (including academies and free schools etc.) as well as all other admission authorities to ensure that FAP's operate effectively at a local level.
- ii) The purpose of the Protocol is to ensure that vulnerable children, and those who are having difficulty securing a school place in-year, are allocated a place as quickly as possible. The Protocol also seeks to ensure that no school - including those with available places - should be asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who are otherwise being placed via the FAP.
- iii) Fair Access Protocols should not be used as a means to circumvent the normal in year admissions process. A parent can apply for a place as an in year admission for their child at any time, to any school outside the normal admissions round and is entitled to an appeal when a place is not offered.
- iv) All admission authorities must participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

## 2. The Warwickshire context and statutory guidance

- i) The Fair Access Protocol (FAP) for Warwickshire agreed in September 2019 has been updated by WCC legal team to ensure it is compliant with paragraphs 3.8 – 3.22 of the School Admissions Code 2021, and the DFE's departmental advice August 2021.

- ii) 'All admission authorities must participate in the Fair Access Protocol (including Academies, all types of Free Schools, University Technical Colleges and Studio Schools) in order to ensure that unplaced pupils are allocated a school place quickly'; (SA Code 3.14 & DFE Guidance August 2021)
- iii) 'The operation of the Fair Access Protocol is triggered when an eligible pupil has not secured a school place under normal in-year admission procedures'. The Fair Access protocol is in addition to our In Year procedures. (SA Code 3.18, 2.23-2.3)
- iv) Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent exclusion (or would have been had it been practicable to do so), children whose permanent exclusion has been considered by a review panel, and the review panel has decided to quash a decision not to reinstate them following the exclusion; and children with special educational needs statements or Education, Health and Care Plans. (SA Code 3.8 & DFE Guidance August 2021).
- v) Children allocated a place under the Fair Access Protocol will take precedence over those children already on the school's waiting list; 'Looked after children or previously looked after children allocated a place at the school in accordance with a Fair Access Protocol must take precedence over those on a waiting list.'(SA code 2.15).
- vi) Schools cannot cite oversubscription as a reason for not admitting a pupil under the Fair Access Protocol. Year 11 pupils, unless falling into a relevant category within Chart 1 are not part of the protocol and schools will be expected to accept Year 11 pupils in accordance with their published admissions arrangements. We do not advise that year 11 pupils transfer school as a pupil can be greatly disadvantaged by a change of school during their GCSEs, particularly when the same subjects and/or syllabi may not be available upon such a change. When deciding on whether to apply for a transfer out of the current school parents will be advised to consider that work is not transferable between schools and exam boards can rarely be matched and coursework is monitored and cannot be re-done.
- vii) All parents/carers should discuss any requests to transfer with the current school to see if any issues can be resolved and if the child can continue their education without interruptions to their GCSEs.

viii) Warwickshire has a number of grammar schools all of whom wish to participate in the operation of the protocol. If a grammar school is identified as the most appropriate setting for a pupil that is currently being placed via the protocol, the following process will be followed. If the pupil has not already been found to be of suitable academic ability for the relevant cohort then they will sit a test to identify their levels of ability and whether they may cope with the academic structure and curriculum within grammar schools. The results will be compared to those of the cohort that they would be joining. If they fall within the range set out by each grammar school consideration will be given by the grammar school for a placement.

**2. Please outline your proposed activity including a summary of the main actions.**

The existing Fair Access Protocol has been reviewed by legal and anything that is not compliant with the Schools Admissions Code 2021 has been edited.

**3. Who is this going to impact and how?**

Customers	Members of the Public	Employees	Job Applicants
	<p style="text-align: center;">✓</p> <p>Children and Young People who the Protocol supports the admissions of will need their rights defined within the Schools Admissions Code 2021 to be reflected within the existing Protocol.</p>		
<p><b>Other, please specify:</b></p>	<p>Schools will have to comply with the compliant Fair Access Protocol.</p>		

## **Section Two: Evidence**

Please include any evidence or relevant information that has influenced the decisions contained in this EIA. This could include demographic profiles; audits; research; health needs assessments; national guidance or legislative requirements and how this relates to the protected characteristic groups and additional groups outlined in Section Four.

### **A – Quantitative Evidence**

This is evidence which is numerical and should include the number people who use the service and the number of people from the protected characteristic groups who might be affected by changes to the service.

The numbers of CYP who are admitted via the Fair Access Protocol each year averages about XXXX each year.

The group represented within this cohort cover a variety of protected characteristics e.g. gender, race, disability, sexual orientation, Age, Religion/Beliefs, gender reassignment, maternity/paternity. The numbers of which fluctuate.

### **B – Qualitative Evidence**

This is data which describes the effect or impact of a change on a group of people, e.g. some information provided as part of performance reporting.

There should be no negative impact on any groups, the new Admissions Code is designed to make it harder for schools to refuse CYP admissions via the in year process and not requiring to trigger the Fair Access Protocol. This would mean that a smaller number of CYP admissions should need to be supported via the Protocol this ensuring timely placement of more children into schools.

### Section Three: Engagement

Engagement with individuals or organisations affected by the proposed activity must take place. For further advice and support with engagement and consultations, click [here](#).

<b>Has the proposed activity been subject to engagement or consultation with those it's going to impact, taking into account their protected characteristics and socio-economic status?</b>	Yes
<b>If YES, please state who with.</b>	<p>There was an agreed FAP in operation from 2019 however with the new admission code we needed to ensure this Protocol was compliant with the changes within the SA 2021.</p> <p>WCC decided to take this opportunity to establish a FAP development group to look at coproducing a new protocol for consultation. In the absence of the majority of schools agreeing the newly designed FAP the existing FAP from 2019 would have to be adjusted to make it compliant with the SA code.</p> <p>The Fair Access development group established in September 2021 consisting of representative from the secondary and primary schools, WCC officer from admissions, STS, Ethical Behaviour Partnership, CME and school improvement. Details of the proposed Primary &amp; Secondary Fair Access Protocol were emailed to Warwickshire State Funded Primary &amp; Secondary School Headteachers on Friday</p>

	<p>2<sup>nd</sup> February and advised the consultation process would run until 6<sup>th</sup> April 2022. They were asked to acknowledge receipt and give feedback by the deadline.</p> <p>At the close of the consultation 37 out of 230 (16%) of Primary and Secondary Schools provided a response to the proposed protocol.</p> <p>WCC agreed to reopen the consultation for a further two weeks with schools between the 29<sup>th</sup> April to 13<sup>th</sup> May 2022. On close of the extension 73 out of the 230 schools had responded. Out of those that responded 62 (30%) said 'Yes' to the statement 'Do you agree to the implementation of this Fair Access Protocol for September 2022?' 11 (5%) of schools replied 'No' and 157 (65%) of schools did not respond.</p> <p>Therefore, WCC could not move forward with a newly designed Fair Access Protocol and are presenting the existing FAP from 2019 which has been made compliant with SA code 2022.</p> <p>Further work is planned to be done with schools for a future consultation on the Fair Access protocol over the next 12 months.</p>	
<b>If NO engagement has been conducted, please state why.</b>		
<b>How was the engagement carried out?</b>	<b>Yes / No</b>	<b>What were the results from the engagement? Please list...</b>
<b>Focus Groups</b>	No	
<b>Surveys</b>	Yes	73 out of the 230 schools had responded to the consultation on a different version of the FAP. Out of those that responded 62 (30%) said 'Yes' to the statement 'Do you agree to the implementation of this Fair Access Protocol for September

		2022?' 11 (5%) of schools replied 'No' and 157 (65%) of schools did not respond.
<b>User Panels</b>	No	
<b>Public Event</b>	No	
<b>Displays / Exhibitions</b>	No	
<b>Other (please specify)</b>		
<b>Has the proposed activity changed as a result of the engagement?</b>		The proposed activity has changed from what we intended to do with a new version to WCC legal making the existing agreed FAP compliant.
<b>Have the results of the engagement been fed back to the consultees?</b>		
<b>Is further engagement or consultation recommended or planned?</b>		Further engagement is planned over the next 12 as part of the requirement to keep the Fair Access Protocol under review. If following this a new protocol is coproduced a consultation process will occur on any new versions.
<b>What process have you got in place to review and evaluate?</b>		The Ethical Inclusion Partnership Steering group will have oversight of the Fair Access Protocol and all engagement will be reported back to this group.

## Section Four: Assessing the Impact

**Protected Characteristics and other groups that experience greater inequalities**

What will the impact of implementing this proposal be on people who share characteristics protected by the Equality Act 2010 or are likely to be affected by the proposed activity? This section also allows you to consider other impacts, e.g. health inequalities such as deprivation, socio-economic status, vulnerable groups such as individuals who suffer from socio-economic disadvantage, armed forces, carers, homelessness, people leaving prison, young people leaving care etc.

On the basis of evidence, has the potential impact of the proposed activity been judged to be positive (+), neutral (=), negative (-), or positive and negative (+&-), for each of the protected characteristic groups below and in what way?

**N.B** In our Guidance to EIAs we have provided you with potential questions to ask yourself when considering the impact of your proposed activity. Think about what actions you might take to mitigate / remove the negative impacts and maximize on the positive ones. This will form part of your action plan at Section Six.

	<b>Impact type (+) (=) (-) or (+&amp;-)</b>	<b>Nature of impact</b>
<b>Age</b>	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
<b>Disability</b> Consider: <ul style="list-style-type: none"> <li>• Physical disabilities</li> <li>• Sensory impairments</li> <li>• Neurodiverse conditions (e.g. dyslexia)</li> <li>• Mental health conditions (e.g. depression)</li> <li>• Medical conditions (e.g. diabetes)</li> </ul>	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) who may have a disability and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021

<b>Gender Reassignment</b>	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) who may have had a gender reassignment and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
<b>Marriage and Civil Partnership</b>	=	This is unlikely to impact on this group.
<b>Pregnancy and Maternity</b>	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) who may be pregnant and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
<b>Race</b> Including: <ul style="list-style-type: none"> <li>• Colour</li> <li>• Nationality</li> <li>• Citizenship</li> <li>• Ethnic or national origins</li> </ul>	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
<b>Religion or Belief</b>	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) of a given religion or belief and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
<b>Sex</b>	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) of any gender and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
<b>Sexual Orientation</b>	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) of any sexual orientation and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner

		ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
<b>Vulnerable People:</b> <ul style="list-style-type: none"> <li>• Individuals who suffer socio-economic disadvantage</li> <li>• Armed Forces (WCC signed the <a href="#">Armed Forces Covenant</a> in June 2012)</li> <li>• Carers</li> <li>• Homelessness</li> <li>• People leaving Prison</li> <li>• People leaving Care</li> </ul>	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) who may be vulnerable and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
<b>Health Inequalities (HI)</b> Many issues can have an impact on health: is it an area of deprivation, does every population group have equal access, unemployment, work conditions, education, skills, our living situation, rural, urban, rates of crime etc	+	This compliant Protocol will ensure that all school aged Children and Young People (CYP) who may have any health issues and fall within the criteria of the FAP will be admitted into a school within a reasonable distance from their home in a timely manner ensuring the rights of the CYP are upheld in line with the Schools Admissions Code 2021
<b>Other Groups</b> If there are any other groups	NA	

**Public Sector Equality Duty (PSED)**

Public Authorities must have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. Please evidence how your proposed activity meets our obligations under the PSED.

	<b>Evidence of Due Regard</b>
<b>Eliminate unlawful discrimination (harassment, victimisation and other prohibited conduct):</b>	N/A
<p><b>Advance equality of opportunity:</b></p> <p>This involves</p> <ul style="list-style-type: none"> <li>removing or minimising disadvantages suffered by people due to their protected characteristics;</li> <li>taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people, for example, taking steps to take account of people with disabilities;</li> <li>encouraging people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.</li> </ul>	By making the existing Fair Access Protocol compliant this will ensure that all CYP with protected characteristics have their rights upheld in line with all the Admissions Code 2021. It will ensure they are placed into a school within the required 20 day period and ensure they do not lose out on their education entitlement.
<p><b>Foster good relations:</b></p> <p>This means tackling prejudice and promoting understanding between people from different groups and communities.</p>	By making the existing Fair Access Protocol compliant this will ensure that all CYP from different group that fall under the FAP criteria will have their rights upheld in line with all the Admissions Code 2021..

## Section Five: Partners / Stakeholders

Which sectors are likely to have an interest in or be affected by the proposed activity?	Yes / No	Describe the interest / affect
<b>Businesses</b>	No	
<b>Councils</b>	NO	
<b>Education Sector</b>	Yes	All Schools/Academies will be required to comply with the Fair Access Protocol
<b>Fire and Rescue</b>	No	
<b>Governance Structures</b>	No	
<b>NHS</b>	No	
<b>Police</b>	No	
<b>Voluntary and Community Sector</b>	No	
<b>Other(s): please list and describe the nature of the relationship / impact</b>		

## Section Six: Action Planning

If you have identified impacts on protected characteristic groups in Section Four please summarise these in the table below detailing the actions you are taking to mitigate or support this impact. If you are not taking any action to support or mitigate the impact you should complete the No Mitigating Actions section below instead.

### Mitigating Actions

Consider:

- Who else do you need to talk to? Do you need to engage or consult?
- How you will ensure your activity is clearly communicated
- Whether you could mitigate any negative impacts or build on positive impacts for protected groups or health inequalities
- Whether you could do more to fulfil the aims of the PSED
- How you will monitor and evaluate the effect of this work
- Anything else you can think of!

Identified Impact	Action(s)	Timescale incl. evaluation and review date	Name of person responsible
Age, Disability, pregnancy and maternity, Religion and Beliefs, Gender reassignment, Race, Sex, Sexual	All impacts within these protected characteristics are seen as positive and will be supported by administration of the Protocol. Review and monitor EIA in line with	Following roll out, During FAP and Assessment Gateway panel meetings and at Ethical Inclusion Partnership Steering group meetings.	BAU service managers

orientation, Vulnerable groups and	developments, including engagement and consultation		

**No Mitigating Actions**

**Please explain why you do not need to take any action to mitigate or support the impact of your proposed activity.**

**Section Seven: Assessment Outcome**

<b>Only one of following statements best matches your assessment of this proposed activity. Please select one and provide your reasons.</b>		
<b>No major change required</b>	X	
<b>The proposal has to be adjusted to reduce impact on protected characteristic groups and/or health inequalities</b>		

Continue with the proposal but it is not possible to remove all the risk to protected characteristic groups and/or health inequalities		
Stop the proposal as it is potentially in breach of equality legislation		

**Section Eight: Sign Off**  
**N.B** To be completed after the EIA is completed but before the area of work commences.

Name of person/s completing EIA	Marie Rooney
Name and signature of Assistant Director	
Date	08/06/2022
Date of next review and name of person/s responsible	

Once signed off, please ensure the EIA is uploaded using the following form. Please name it “EIA [project] [service area] [year]”: [Upload Completed Equality Impact Assessments](#)

These will be stored on a [Sharepoint library](#) which WCC colleagues can access.