Equality & Human Rights Impact Assessment (EHRIA)

This Equality and Human Rights Impact Assessment (EHRIA) will enable you to assess the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service** for equality and human rights implications.

Undertaking this assessment will help you to identify whether or not this policy/ practice/ procedure/ function/ service** may have an adverse impact on a particular community or group of people. It will ultimately ensure that as an Authority we do not discriminate and we are able to promote equality, diversity and human rights.

Before completing this form please refer to the EHRIA guidance, for further information about undertaking and completing the assessment. For further advice and guidance, please contact your Departmental Equalities Group or equality@leics.gov.uk

**Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.

Key Details	
Name of policy being assessed:	Implementation of the Pupils Missing out on Education (PME) Operating Framework
Department and section:	Education Sufficiency – School Admissions & Pupil Services
Name of lead officer/ job title and others completing this assessment:	JoAnne Rees Pupil Services Manager
Contact telephone numbers:	0116 3058162
Name of officer/s responsible for implementing this policy:	JoAnne Rees Pupil Services Manager
Date EHRIA assessment started:	3rd December 2015
Date EHRIA assessment completed:	23rd June 2016

Section 1: Defining the policy

Section 1: Defining the policy
You should begin this assessment by defining and outlining the scope of this policy. You should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights, as outlined in Leicestershire County Council's Equality Strategy.

1	**What is new or changed in this policy?**
	Every Local Authority has a duty to champion vulnerable learners and to ensure that all children and young people access an education suitable to their age, aptitude and any special educational needs they might have. The Local Authority is committed to working in partnership with schools and providers to ensure that all children have access to a full-time education and that they attend. In addition, the Local Authority is determined to hold schools and other providers to account and challenge when expectations, regarding educational provision, are not met.
	In their report 'Pupils Missing Out on Education' (November 2013), Ofsted set out expectations for all pupil level data for children 'not in receipt of full-time education', for which local authorities have responsibility for in their local areas. For clarification, this pupil level data covers children who are not accessing education in the usual way – typically, for between 21 and 25 hours a week, as appropriate for their age, and for 38 weeks a year.
	Ofsted's report concluded that if the data local authorities collected, around children not in receipt of education, was insufficient then this could introduce the risk that children and young people were not receiving appropriate education and could be vulnerable to abuse. Ofsted also stated their intention to use pupil level data to follow up cases during the inspections of local authorities.
	Ofsted made specific recommendations for local authorities in respect of pupils 'not receiving a full-time education.' These included:
	- Establishing a central record of all children not accessing full-time education in the usual way - Maintaining good information about the achievement of and safety of any child or young person not accessing education in the usual way - Identifying clear lines of accountability for the quality and amount of provision, as well as the educational and social outcomes - Sharing information across local authority boundaries in a timely and appropriate way to minimise interruption to a child or young person's education provision - Ensuring that every child is on the roll of a school, regardless of circumstances, unless parents have elected to educate their child at home

Since the publication of the report, work has been undertaken to improve the provision of services for Pupils Missing Education (PME), including the development of an operating framework (known as the 'PME Operating Framework') setting out how PME services are provided by the Local Authority (and the processes that will be followed) and to define the Children and Family Services expectations and relationship with schools and other partners. It is this framework which forms the focus of this EHRIA.

The Children and Family Services Departmental Management Team (DMT) have received regular updates in relation to the work undertaken around PME, detailing the work in progress and work achieved to ensure compliance with the Ofsted recommendations listed above and which form the basis of the PME Operating framework.

Key achievements to date include:

- Improved PME data collection from schools and other internal services – the data collection began in February 2015 and achieved a 100% return in January 2016
- Awareness raising activities (through the work of a PME Project Steering Group)
- Challenge and accountability e.g. increased management challenge
- Improved analysis of risk through the use of Signs of Safety & Merton Risk Assessments
- Improved governance through regular reporting to DMT & LSCB (and additional reports to Lead Member and Scrutiny)
- Systems development
- Introduction of regular termly internal casework audits
- Increased attendance of vulnerable groups in education settings
- Increased notification of fixed term exclusions
- More consistent commissioning of the educational needs of some pupils (e.g. Children with Medical Needs (CMN))
- More effective monitoring and evaluation of provision commissioned by the Local Authority
- Revised (draft) policy documents in relation to Children Missing Education (CME), Elective Home Education (EHE) and CMN
- Development of a Data Dashboard to share the monthly PME data with schools and other stakeholders
- Development of PME data collection with independent and private schools, both in and out of the county, that have Leicestershire pupils on their roll
- Development of the PME Operational Framework.

| 2 | **Does this relate to any other policy within your department, the Council or with other partner organisations?** *If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.*

As described above, the PME Operational Framework relates directly to guidance issued by Ofsted in their report Pupils Missing Out on Education' |

(November 2013)

http://dera.ioe.ac.uk/18825/1/Pupils%20missing%20out%20on%20education.pdf

Following approval from DMT, the operating framework will be shared with schools and other internal services (e.g. First Response Children's Duty Team) at the start of the autumn term 2016.

This will continue to raise awareness in relation to PME, whilst improving information sharing, governance and overall outcomes for children and young people.

3	**Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?**

Ofsted defined Pupils Missing out on Education as pupils of compulsory school age who are not accessing full-time education (either in school or in alternative provision) and in its guidance to schools and local authorities, Ofsted advises that all schools (including academies, free, independent, private and non-maintained) must monitor pupils' attendance through their daily register. Schools must inform local authorities of the details of pupils who are regularly absent from school or have missed 15 school days (whether consecutive or cumulative) or more without permission.

The main PME groups have been identified as those who have been permanently excluded:

- have particular social and behavioural difficulties and have personalised learning plans: this means that, by arrangement, they do not attend their usual school full time
- have mental health needs and access Child and Adolescent Mental Health Services (CAMHS), either as an in-patient or through services provided in the community
- have medical needs other than mental health needs
- rarely attend school and have personalised learning plans as part of attempts to reintegrate them into full-time education
- are pregnant or are young mothers of compulsory school age
- have complex needs and no suitable school place is available

A number small of children and young people are also classified as pupils missing out on education as they do not attend school in the usual way because they:

- are returning from custody and a school place has not been found for them
- are new to the country and are awaiting a school place
- are from a Gypsy, Roma or Traveller background and alternative provision has been made
- have moved from another area and a school place has not been secured; this may include children who are looked after

In addition to the above, Children and Family Services' DMT have identified the following groups of children and young people as at risk of being a 'Pupil

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Missing out on Education.' These include children and young people:

- who are from Circus and Showman families and alternative provision has been made
- who are accessing alternative provision via Youth Offending Service (YOS)
- who are 'Children Missing Education (CME)'
- who are Electively Home Educated (EHE) and the education is deemed not to be 'suitable' or 'efficient' by the Local Authority
- who are carers
- who go 'missing' during the school day

The key aims and general principles that the PME Framework will work under will lead to the following outcomes:

- All pupils have access to a high quality education that meets their needs.
- Parents and carers have an understanding of the range and diversity of educational choice that is available
- All schools have a clear understanding of how decisions are reached in relation to PME and regarding their responsibilities in relation to the monthly PME returns
- All Stakeholders have an understanding of PME and their individual responsibilities
- The Local Authority's response to PME is fair and transparent.

4	**Will this policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? (Please tick and explain how)**			
		Yes	**No**	**How?**
	Eliminate unlawful discrimination, harassment and victimisation	X		The PME framework has been designed to ensure that all of these aspects are met.
	Advance equality of opportunity between different groups	X		The framework refers positively to some of the most vulnerable groups and does not discriminate. This is because it assists in their identification and enables us, as a LA, to support them in the most appropriate way.
	Foster good relations between different groups	X		The framework ensures that equality of opportunity is enhanced by having due regard to all 16 vulnerable groups and fostering good relations with all stakeholders.

Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

Section 2: Equality and Human Rights Impact Assessment Screening
The purpose of this section of the assessment is to help you decide if a full EHRIA is required. If you have already identified that a full EHRIA is needed for this policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to Section 3 on Page 7 of this document.

Section 2 **A: Research and Consultation**			
5.	**Have the target groups been consulted about the following?**	**Yes**	**No***
	a. their current needs and aspirations and what is important to them;	**X**	
	b. any potential impact of this change on them (positive and negative, intended and unintended);	**X**	
	c. potential barriers they may face	**X**	
	Consultations have been undertaken in the following ways: • through the PME User Group – this consulted with a wide range of internal services and schools • through the Networking Meetings for Attendance Officers across Leicestershire • through parental and pupil feedback questionnaires for children with medical needs (CMN)(& those with mental health needs) – particularly at the end of the alternative provision input, which examines needs and aspirations for the future • through CMN pupil feedback at the end of individual sessions – this enables providers to look at impact, make adjustments if the feedback is not having the required impact • Elective Home Education (EHE) parent packs sent when parents begin to educate their child at home – these request information about what learning will be put in place and also reflect on any barriers to learning the child may have • EHE parental questionnaires sent out six months after education deemed suitable and parental forum		
6.	**If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?**	**X**	
	Target groups and stakeholders have been consulted – see above. Some of these consultations are on-going		
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of	**X**	

	potential unintended impacts?		
8.	*If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary.		
	Please see references in question 5 regarding: • PME User Group • Attendance Officers Network Meetings In addition, the CME and PME Regional Consortia have considered the operational framework and examined potential unintended impacts. In addition EMSIG have also considered the impact of the framework.		

Section 2
B: Monitoring Impact

9.	Are there systems set up to:	**Yes**	**No**
	a) monitor impact (positive and negative, intended and unintended) for different groups;	X	
	b) enable open feedback and suggestions from different communities	X	
	Monitoring as follows: • Currently bi-monthly reporting to DMT • Monthly data analysis using PME data returns • Quarterly reporting to DMT and LSCB • Data dashboards to be shared with schools from September 2016 onwards • Regular recorded & analysed feedback from CMN & EHE parents & pupils • Feedback from a range of stakeholders e.g. attendance networking groups The monitoring of equalities and diversity will be increased by the Operating Framework – i.e. better data collection and improved knowledge and understanding of the needs of vulnerable groups.		

Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.

Section 2
C: Potential Impact

10.				
	Use the table below to specify if any individuals or community groups who identify with any of the 'protected characteristics' may potentially be affected by this policy and describe any positive and negative impacts, including any barriers.			
		Yes	**No**	**Comments**
	Age	X		Data derived from May's PME pupil level data shows that those

				children included in the data set and therefore not in receipt of a full-time education and are of statutory school age (5 to 16). Early trends in the PME data show that: • highest number of PME in Key Stage 4 (predominantly year 11) • Average attendance = 59.2% • The average number of hours of education is increasing steadily from 11.9 hours a week to 17.9 hours • The overall number of PME cases has risen steadily to 949 pupils – this is consistent with the percentage of concerns received from schools and services The framework will have a positive impact on children and young people of compulsory school age due (i.e. from 5 to 16). This will ensure earlier identification and enabling schools and the LA to make alternative arrangements which will improve pupil outcomes and have a positive impact. Age ranges are covered (data collected includes year group, key stage and date of birth) and description of impact framework - it is designed to be inclusive and will not discriminate based on disability. Impact = positive
	Disability	**X**		Data from May 2016 indicates that consistently over 30% of PME pupils have Special Educational Needs &/or a Disability. Information collated includes whether the pupil: • *Has an EHCP or a statement* • *Has SEN support in school*

				• *Is under assessment* • *Accesses CAMHS in the community (due to their mental health issues)* • *Has medical needs other than mental health needs* The PME framework is designed to be inclusive and will not discriminate based on disability. The bottom two bullet points are consistently amongst the groups with the highest number of PME pupils. Impact = positive
	Gender Reassignment	X		The PME Framework would not discriminate against those pupils who might wish to undergo gender reassignment. There are currently two pupils with medical needs who are transgender. The PME framework is designed to support the most vulnerable groups of children and young people Impact = positive
	Marriage and Civil Partnership		X	The cohort covered by the Operational Framework is unlikely to be married or in civil partnership due to their age Impact = neutral
	Pregnancy and Maternity	X		In the May PME data collection, there were no young mothers or pregnant school girls - data is collected via the monthly PME data return about pregnant school girls and young mothers. The PME framework is designed to support the most vulnerable groups of children and young people Impact = positive
	Race	X		The PME data collection from May 2016 indicates that consistently over 70% of PME cases are White British and over

				2% Roma/Roma Gypsy or Traveller-Irish Heritage). The PME framework is designed to support the most vulnerable groups of children and young people and not to. Impact = positive
	Religion or Belief		X	This data is not collated via the PME data return although the PME framework aims to be inclusive and not to discriminate on the grounds of religion or belief. Impact = neutral
	Sex	X		The PME data collection collates information in relation to gender. Since February 2015, this has shown that there is approximately a 50:50 split in relation to gender. The PME framework aims to be inclusive and not to discriminate on the grounds of gender. Impact = positive
	Sexual Orientation		X	Specific data regarding sexual orientation is not collated. The PME framework aims not to discriminate in terms of sexual orientation. Impact = neutral
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities		X	Data from May 2016 indicates that: • Over 80% of PME pupils with no additional needs (CiC, CiN, CP Plan, CSE or DV) • Largest PME groupon a monthly basis, since February 2015, is either children with mental health needs or children missing education The data collection collates the following information: • Area of the county the pupil lives in • Whether the pupil attracts Pupil Premium

				• Whether the child is a carer • Whether the pupil is looked after • Whether the pupil is a Child in Need or has a Child Protection Plan • Whether the pupil is vulnerable to Child Sexual Exploitation • Whether the pupil or their family is subject to Domestic Violence The PME framework aims to support vulnerable groups. Impact = neutral
	Community Cohesion		X	The PME Framework ensures re-engagement in education and therefore assists community cohesion. Impact = Neutral

11.	Are the human rights of individuals <u>potentially</u> affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? **(Please tick)** Explain why you consider that any particular <u>article in the Human Rights Act</u> may apply to your policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB. Include positive and negative impacts as well as barriers in benefiting from the above proposal]

	Yes	No	Comments
Part 1: The Convention- Rights and Freedoms			
Article 2: Right to life		X	
Article 3: Right not to be tortured or treated in an inhuman or degrading way		X	
Article 4: Right not to be subjected to slavery/ forced labour		X	
Article 5: Right to liberty and security	X		Families who electively home educate sometimes feel that the LA are infringing their Human Rights as the law doesn't give the LA the right to demand to visit

				annually or to evaluate the child's progress
	Article 6: Right to a fair trial		X	
	Article 7: No punishment without law		X	
	Article 8: Right to respect for private and family life	X		Families who electively home educate sometimes feel that the LA are infringing their Human Rights as the law doesn't give the LA the right to demand to visit annually or to evaluate the child's progress
	Article 9: Right to freedom of thought, conscience and religion		X	
	Article 10: Right to freedom of expression	X		Families who electively home educate sometimes feel that the LA are infringing their Human Rights as the law doesn't give the LA the right to demand to visit annually or to evaluate the child's progress
	Article 11: Right to freedom of assembly and association		X	
	Article 12: Right to marry		X	
	Article 14: Right not to be discriminated against		X	
	Part 2: The First Protocol			
	Article 1: Protection of property/ peaceful enjoyment		X	
	Article 2: Right to education	X	X	Families who electively home educate sometimes feel that the LA are infringing their Human Rights as the law doesn't give the LA the right to demand to visit annually or to evaluate the child's progress
	Article 3: Right to free elections		X	

Section 2
D: Decision

12.	Is there evidence or any other reason to suggest that:	**Yes**	**No**	**Unknown**
	a) this policy could have a different affect or adverse impact on any section of the community;		X	

	b) any section of the community may face barriers in benefiting from the proposal		**X**	

The PME Framework has been written to have a positive impact. It strengthens the duties of the LA in line with legislation and provides high quality governance. In addition it seeks not to discriminate and treat all children and young people, falling under the PME umbrella, equally.

13.	Based on the answers to the questions above, what is the likely impact of this policy

No Impact	☐	Positive Impact	X	Neutral Impact	☐	Negative Impact or Impact Unknown	☐

Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.

14.	Is an EHRIA report required?	Yes ☐	No X

Section 2: Completion of EHRIA Screening

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is requried for further investigation of the impacts of this policy.

Option 1: If you identified that an EHRIA Report is required, continue to Section 3 on Page 7 of this document to complete.

Option 2: If there are no equality, diversity or human rights impacts identified and an EHRIA report is not required, continue to Section 4 on Page 14 of this document to complete.

Section 3: Equality and Human Rights Impact Assessment (EHRIA) Report

Section 3: Equality and Human Rights Impact Assessment Report

This part of the assessment will help you to think thoroughly about the impact of this policy and to critically examine whether it is likely to have a positive or negative impact on different groups within our diverse community. It is also to identify any barriers that may detrimentally affect under-represented communities or groups, who may be disadvantaged by the way in which we carry out our business.

Using the information gathered either within the EHRIA Screening or independently of this process, this EHRIA Report should be used to consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights as outlined in Leicestershire County Council's Equality Strategy.

Section 3	
A: Research and Consultation	
When considering the target groups it is important to think about whether new data needs to be collected or whether there is any existing research that can be utilised.	

15.	Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you now explored the following and <u>what</u> does this information/data tell you about each of the diverse groups?
	
	    a) current needs and aspirations and what is important to individuals and community groups (including human rights);
	
	    b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);
	
	    c) likely barriers that individuals and community groups may face (including human rights)

N/A	
16.	Is any further research, data collection or evidence required to fill any gaps in your understanding of the potential or known affects of the policy on target groups?
N/A	
When considering who is affected by this proposed policy, it is important to think about consulting with and involving a range of service users, staff or other stakeholders who may be affected as part of the proposal.	
17.	Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you further consulted with those affected on the likely impact and <u>what</u> does this consultation tell you about each of the diverse groups?
N/A	

18.	Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?
	N/A

Section 3
B: Recognised Impact

19.	Based on any evidence and findings, use the table below to specify if any individuals or community groups who identify with any 'protected characteristics' are <u>likely</u> be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.	
		Comments
	Age	
	Disability	
	Gender Reassignment	N/A
	Marriage and Civil Partnership	
	Pregnancy and Maternity	
	Race	
	Religion or Belief	
	Sex	
	Sexual Orientation	
	Other groups **e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee**	

communities, looked after children, deprived or disadvantaged communities	
Community Cohesion	

20.	Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are <u>likely</u> apply to your policy. Are the human rights of any individuals or community groups affected by this proposal? Is there an impact on human rights for any of the protected characteristics?	
		Comments
	Part 1: The Convention- Rights and Freedoms	
	Article 2: Right to life	
	Article 3: Right not to be tortured or treated in an inhuman or degrading way	N/A
	Article 4: Right not to be subjected to slavery/ forced labour	
	Article 5: Right to liberty and security	
	Article 6: Right to a fair trial	
	Article 7: No punishment without law	
	Article 8: Right to respect for private and family life	
	Article 9: Right to freedom of thought, conscience and religion	
	Article 10: Right to freedom of expression	
	Article 11: Right to freedom of assembly and association	
	Article 12: Right to marry	
	Article 14: Right not to be discriminated against	
	Part 2: The First Protocol	

	Article 1: Protection of property/ peaceful enjoyment	N/A
	Article 2: Right to education	N/A
	Article 3: Right to free elections	N/A

Section 3
C: Mitigating and Assessing the Impact

Taking into account the research, data, consultation and information you have reviewed and/or carried out as part of this EHRIA, it is now essential to assess the impact of the policy.

21.	If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.

N/A

N.B.

i) If you have identified adverse impact or discrimination that is <u>illegal</u>, you are required to take action to remedy this immediately.

ii) If you have identified adverse impact or discrimination that is <u>justifiable or legitimate,</u> you will need to consider what actions can be taken to mitigate its effect on those groups of people.

22.	Where there are potential barriers, negative impacts identified and/or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination. a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination b) consider what barriers you can remove, whether reasonable adjustments may be necessary, and how any unmet needs that you have identified can be addressed c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why

N/A

Section 3	
D: Making a decision	
23.	Summarise your findings and give an overview as to whether the policy will meet Leicestershire County Council's responsibilities in relation to equality, diversity, community cohesion and human rights.
N/A	

Section 3	
E: Monitoring, evaluation & review of your policy	
24.	Are there processes in place to review the findings of this EHRIA and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact? N/A
25.	How will the recommendations of this assessment be built into wider planning and review processes? *e.g. policy reviews, annual plans and use of performance management systems* *N/A*

Section 3:
F: Equality and human rights improvement plan

Please list all the equality objectives, actions and targets that result from the Equality and Human Rights Impact Assessment (EHRIA) (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer Responsible	By when

Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your Departmental Equalities Group and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website.

Section 4
A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

Equality and Human Rights Assessment Screening ☐

Equality and Human Rights Assessment Report ☐

1st Authorised Signature (EHRIA Lead Officer): …
Date: 22.06.16

2nd Authorised Signature (DEG Chair):

Date: 23.06.16