

Section 4

# Equality Analysis Toolkit

**Review of the County Council's Policy relating  
to the supply of Halal Meat to Schools  
For Decision Making Items**

October 2017

## **What is the Purpose of the Equality Decision-Making Analysis?**

The Analysis is designed to be used where a decision is being made at Cabinet Member or Overview and Scrutiny level or if a decision is being made primarily for budget reasons. The Analysis should be referred to on the decision making template (e.g. E6 form).

When fully followed this process will assist in ensuring that the decision-makers meet the requirement of section 149 of the Equality Act 2010 to have due regard to the need: to eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing, at each step of formulating, deciding upon and implementing policy, what the effect of that policy is or may be upon groups who share these protected characteristics defined by the Equality Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstances marriage and civil partnership status.

It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common sense are required in the use of this tool.

It is also important to remember that what the law requires is that the duty is fulfilled in substance – not that a particular form is completed in a particular way. It is important to use common sense and to pay attention to the context in using and adapting these tools.

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed) or EHRC guidance at

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/public-sector-equality-duty>

This toolkit is designed to ensure that the section 149 analysis is properly carried out, and that there is a clear record to this effect. The Analysis should be completed in a timely, thorough way and should inform the whole of the decision-making process. It must be considered by the person making the final decision and must be made available with other documents relating to the decision.

The documents should also be retained following any decision as they may be requested as part of enquiries from the Equality and Human Rights Commission or Freedom of Information requests.

Support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting

[AskEquality@lancashire.gov.uk](mailto:AskEquality@lancashire.gov.uk)

Specific advice on completing the Equality Analysis is available from your Service contact in the Equality and Cohesion Team or from Jeanette Binns

[Jeanette.binns@lancashire.gov.uk](mailto:Jeanette.binns@lancashire.gov.uk)

## Name/Nature of the Decision

Review of the County Council's Policy on the supply of Halal meat to schools.

## What in summary is the proposal being considered?

Where the County Council supplies school meals, we have to ensure that the food provided is nutritious, and of high quality; to promote good nutritional health in all pupils; protect those who are nutritionally vulnerable and to promote good eating behaviour. We also should make reasonable adjustments for pupils with particular requirements, for example to reflect medical, dietary and **cultural needs** and that school food menus are designed for the majority of the school population.

The policy on "Supply of Halal Meat to Schools" currently states that we will provide both stunned and un-stunned Halal meat and the school will take the decision, based on local demand, on which option to purchase.

The review of this policy could result in a proposal to remove the un-stunned Halal meat option or retain the current arrangements.

Is the decision likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected? If so you will need to consider whether there are equality related issues associated with the locations selected – e.g. greater percentage of BME residents in a particular area where a closure is proposed as opposed to an area where a facility is remaining open.

Whilst the policy is applied across the County it is of most significance to schools in Burnley, Preston, Pendle, Chorley, South Ribble, Ribble Valley including, Blackburn with Darwen Borough council area, which provide Halal meat as part of their menu options for pupils. Twenty seven schools currently provide Halal meat as part of their school

lunch menus (as chosen by the school and Governing Body) and all have chosen the un-stunned option. Up to 12,000 pupils are affected.

At this time none of the County Council's Older Peoples services use halal meat as a menu option but potentially this could change in establishments in some parts of the county in the future.

**Could the decision have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:**

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

In considering this question you should identify and record any particular impact on people in a sub-group of any of the above – e.g. people with a particular disability or from a particular religious or ethnic group.

It is particularly important to consider whether any decision is likely to impact adversely on any group of people sharing protected characteristics to a disproportionate extent. Any such disproportionate impact will need to be objectively justified.

**Age** – this policy will impact on school age pupils who are consumers of school meals provided through the County Council's Traded School Meals Service and most particularly on those in the twenty seven schools which currently provide Halal meat options. It is estimated that this will affect up to 12,000 pupils.

**Religion or Belief** – Religion: for pupils who are Muslim, any change in policy to provide only stunned Halal meat options may result in a boycott of school meals, as occurred in 2013 when a previous decision to provide only stunned Halal meat was applied. This resulted in Lancashire Council of Mosques (LCM) asking pupils/parents to boycott their school meals. It is unlikely that LCM's response would be different if this situation arose again. Affected pupils might then need to bring packed lunches or leave school at lunchtime to go home or elsewhere for lunch. This could impact adversely upon family finances and the nutritional content of the pupils' lunch, as a school lunch is required to meet a range of food and nutritional standards. In the areas where schools take the un-stunned Halal meat option, Blackburn with Darwen has a 27% population who identify as Muslim, 17% in Pendle and over 10% of residents in Preston and Burnley according to the 2011 Census.

There is also concern that Jewish parents/pupils may also feel adversely affected if the un-stunned Halal meat option was removed as similar requirements for meat to be "un-stunned" apply to kosher meat products. This may prompt a concern that the school meals service may no longer meet their own cultural dietary requirements. The most significant percentage of Jewish residents is in Fylde, although currently no schools in this area are included on the list of those affected by this Review.

**Belief** – those with a strong belief in animal rights (which may be seen as a strongly held philosophical belief) may be affected by this review. A number of organisations including the RSPCA, Humane Slaughter Association, Farm Animal Welfare Council and others as well as individuals, are opposed to the provision of un-stunned Halal meat and these groups and individuals will be present in Lancashire. However, for school pupils with these views, alternative meal options are available.

**Ethnicity** – the 2011 Census recorded that 7.7% of Lancashire's population (or 90,652 people) are from a Black and Ethnic Minority background, and 6.1% of the Lancashire population identify as Asian/Asian British. Whilst people of all ethnicities may be affected by the outcome of this review, it is likely to have a disproportionate impact

on those who are Asian/Asian British.

**Gender** – it was estimated that during the "boycott" of school meals in 2013, take up of school meals fell by over 7% across the county. Should such a situation be repeated, it is possible that the impact on income generated from school meals in affected schools, could impact on how many catering staff are required. Women make up the vast majority of employees in these roles.

If you have answered "Yes" to this question in relation to any of the above characteristics, – please go to Question 1.

If you have answered "No" in relation to all the protected characteristics, please briefly document your reasons below and attach this to the decision-making papers. (It goes without saying that if the lack of impact is obvious, it need only be very briefly noted.)

### **Question 1 – Background Evidence**

What information do you have about the different groups of people who may be affected by this decision – e.g. employees or service users (you could use monitoring data, survey data, etc to compile this). As indicated above, the relevant protected characteristics are:

- Age
- Disability including Deaf people
- Gender reassignment/gender identity
- Pregnancy and maternity
- Race/Ethnicity/Nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership status (in respect of which the s. 149 requires only that due regard be paid to the need to eliminate discrimination, harassment or victimisation or other conduct which is prohibited by the Act).

In considering this question you should again consider whether the decision under consideration could impact upon specific sub-groups e.g. people of a specific religion or people with a particular disability. You should also consider how the decision is likely to affect those who share two or more of the protected characteristics – for example, older women, disabled, elderly people, and so on.

**Age** – this policy will impact on school age pupils who are consumers of school meals provided through the County Council's Traded School Meals Service and most particularly on those in the twenty seven schools which currently provide Halal meat options, it is estimated that this will affect up to 12,000 pupils.

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There is also concern that Jewish parents/pupils may also feel adversely affected if the un-stunned Halal meat option was removed as similar requirements for meat to be "un-stunned" apply to kosher meat products. This may prompt a concern that the school meals service may no longer meet their own cultural dietary requirements. The most significant percentage of Jewish residents is in Fylde, although currently no schools in this area are included on the list of



those affected by this Review.

**Belief** – those with a strong belief in animal rights (which may be seen as a strongly held philosophical belief) may be affected by this review. A number of organisations including the RSPCA, Humane Slaughter Association, Farm Animal Welfare Council and others as well as individuals, are opposed to the provision of un-stunned Halal meat and these groups and individuals will be present in Lancashire. However, for school pupils with these views, alternative meal options are available.

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**Gender** – it was estimated that during the "boycott" of school meals in 2013, take up of school meals fell by over 7% across the county. Should such a situation be repeated, it is possible that the impact on income generated from school meals in affected schools, could impact on how many catering staff are required. Women make up the vast majority of employees in these roles.

## Question 2 – Engagement/Consultation

How have you tried to involve people/groups that are potentially affected by your decision? Please describe what engagement has taken place, with whom and when.

(Please ensure that you retain evidence of the consultation in case of any further enquiries. This includes the results of consultation or data gathering at any stage of the process)

As this is a policy review, no formal consultation has taken place at this time. However, the following information/reports/views have been considered:

- Lancashire Education Act 1984 - The Asian Religions, Their Dietary Restrictions: March 1984;
- Report of the Halal Meat Supplies Task Group: December 2013;

We have also conducted a desk top exercise to research the current national and local intelligence relating to the supply of Halal meat, particularly to schools. The main bodies we referred to are:

- Food Standards Agency;
- Halal Monitoring Committee;
- Halal Food Authority;
- Humane Slaughter Association;
- The Farm and Animal Welfare Council;
- Muslim Council of Britain;
- Lancashire Council of Mosques.

We have also considered the demographics of the areas most affected by this policy and consulted with representatives from key service areas within the County Council including School Meals/Catering Service, Legal, Procurement, Adult and Older Peoples Services and Equality and Cohesion.

### **Question 3 – Analysing Impact**

Could your proposal potentially disadvantage particular groups sharing any of the protected characteristics and if so which groups and in what way?

It is particularly important in considering this question to get to grips with the actual practical impact on those affected. The decision-makers need to know in clear and specific terms what the impact may be and how serious, or perhaps minor, it may be – will people need to walk a few metres further to catch a bus, or to attend school? Will they be cut off altogether from vital services? The answers to such questions must be fully and frankly documented, for better or for worse, so that they can be properly evaluated when the decision is made.

Could your proposal potentially impact on individuals sharing the protected characteristics in any of the following ways:

- Could it discriminate unlawfully against individuals sharing any of the protected characteristics, whether directly or indirectly; if so, it must be amended. Bear in mind that this may involve taking steps to meet the specific needs of disabled people arising from their disabilities
- Could it advance equality of opportunity for those who share a particular protected characteristic? If not could it be developed or modified in order to do so?
- Does it encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low? If not could it be developed or modified in order to do so?
- Will the proposal contribute to fostering good relations between those who share a relevant protected characteristic and those who do not, for example by tackling prejudice and promoting understanding? If not could it be developed or modified in order to do so? Please identify any findings and how they might be addressed.

Were a decision is to be taken to cease providing un-stunned Halal meat, it is possible that the County Council will be accused of discrimination on either religious or race grounds. The previous boycott of school meals when such a policy was last in place and the evidence that twenty seven schools all decided to use un-stunned halal meat rather than the stunned version available, indicates that the demand from the pupils affected is for un-stunned Halal meat. Failure to provide this is likely to lead to claims that the Council is discriminating against these pupils by not meeting their religious requirements for un-stunned Halal meat.

Potentially Jewish pupils/parents may also be concerned that their dietary requirements are also adversely affected by any change in

policy.

As the school meals service currently provides a meat-free menu for some Roman Catholic schools on Fridays to meet their religious requirements, there is the potential for claims to be made of both religious and race discrimination if the service no longer made what is seen as specific provision to meet the dietary requirements of Muslim pupils.

Any change in policy – particularly if a school meals boycott did result – could impact on the health and wellbeing of some pupils. School meals provide a nutritious meal which must conform to national standards on food and nutrition. It is possible that alternatives such as packed lunches, eating at home or obtaining lunch from other sources (e.g. fast food outlets or sandwich shops) may not meet the same standards.

In 2012/13, the County Council conducted a, limited, year group study in Burnley and Pendle which indicated that 67% of pupils did not eat breakfast before school – given the demographics of Burnley and Pendle that is likely to include some pupils who could be affected by any change in policy. For these pupils, a school lunch might be the first and most nutritious meal of the day so there could be a particularly adverse impact if a change in policy meant they no longer ate school meals.

Free school meals for pupils in reception class, Years 1 and 2 have been available since 2014 and there has also been increased promotion and take up of free school meals by those low income families who are eligible. This appears to have led to improvements in attainment for some of the most disadvantaged pupils and general improvements in behaviour.

As a number of the schools which use un-stunned Halal meat are in more socio-economically deprived areas, it could be expected that if pupils withdrew from school meals as a result of this policy, it could impact on their future attainment and on their family budgets if alternative lunches had to be funded.

However, we cannot claim that a potential change in the County

Council's current policy, would see academic attainment reduce as a direct result. There are other providers, other than the County Council, of Halal meat available to schools, to help them meet their cultural food requirements.

There is a possibility that if Muslim pupils boycott school lunches, this may reduce the opportunities for pupils to spend time together and may instead raise tensions between different groups of pupils. Were it to be identified or assumed that any boycott had resulted in a rise in school meals prices at affected schools, tensions may be particularly heightened.

Any media publicity which results from a change in policy may also increase tensions through media or social media comment. This is of particular concern as there have been increased tensions following recent terrorist attacks in the UK and elsewhere and evidence of rises in Islamophobic hate crime both nationally and locally.

#### **Question 4 –Combined/Cumulative Effect**

Could the effects of your decision combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

For example - if the proposal is to impose charges for adult social care, its impact on disabled people might be increased by other decisions within the County Council (e.g. increases in the fares charged for Community Transport and reductions in respite care) and national proposals (e.g. the availability of some benefits) . Whilst LCC cannot control some of these decisions, they could increase the adverse effect of the proposal. The LCC has a legal duty to consider this aspect, and to evaluate the decision, including mitigation, accordingly.

If Yes – please identify these.

The review of this policy has identified that if a change to provide stunned Halal meat only were made, there could be the following

impacts/effects within the County Council:

- Financial – The potential financial impact, if the current policy was changed, could see a potential loss of c.£285,000 (contribution to overhead) per annum, if the current school catering contracts are lost following any policy change. The headlines of the impact of the loss of the twenty seven schools meal catering contracts are;
  - food expenditure could decrease by £981,369 per annum, 75% of which is spent directly with local food manufacturers, and distributors.
  - 139 catering employees could be faced with TUPE transfer to alternative catering providers, or directly schools.
  - 10.59% of Lancashire's pupil population may be affected.
- Legal – it is possible that the Council would face a risk of challenge to a decision to procure only halal meat that has been stunned prior to slaughter. Such a challenge could be based upon an allegation that:
  - (1) The Council has breached the Public Contracts Regulations 2015 and/or
  - (2) The Council has failed to comply with the Equality Act 2010
- Procurement - the County Council is obliged to procure in accordance with the Public Contract Regulations 2015 (the "Regulations") which prohibit any form of tender process which effectively restricts or distorts competition. Accreditation (or any aspect of the accreditation including for example a restriction on stunning prior to slaughter) of meat as Halal is classed under the Regulations as a "technical specification".

Regulation 42 (10) states that:

"Technical specifications shall afford equal access of economic operators to the procurement procedure and shall not have the effect of creating unjustified obstacles to the opening up of public procurement to competition."

A requirement that animals should be stunned prior to slaughter could also be categorised as a "characteristic" of a technical specification addressed under Regulation 42 (6) which provides that:

"In the case of any public contract, the required characteristics may

also refer to –

(a) The specific process or method of production or provision of the requested works, supplies or services, or

(b) A specific process for another stage of its life cycle.

Even where such factors do not form part of the characteristics' material substance provided that they are linked to the subject- matter of the contract and proportionate to its value and its objectives".

To stipulate one sole accreditation body, or a specific slaughter process, for Halal meat in Lancashire may breach Regulation 42 (10) if it could be proved that it creates an unjustified obstacle to potential bidders. However, Regulation 42 (6) suggests that there is some flexibility allowing authorities to specify processes as part of a technical specification provided that the process relates to what is being procured and does not for example lead to a disproportionate increase in costs.

It does not seem immediately apparent that limiting the range of possible bidders to those who stun animals prior to slaughter would either unfairly restrict competition or introduce an extraneous requirement that would be unreasonable of itself;

- Emergency Planning – concern about compliance with requirements to consideration for individuals or groups who may require special care and attention and to consider potential special requirements.
- Academic – lower attainment levels linked to lack of or no nutritional meal at school.
- Economic – impact on the market to suppliers of Halal meat and also suppliers of other foodstuffs; reduction in school staff; increased cost to families in terms of having to provide an alternative lunchtime meal.
- Older Peoples Services – potential that an aging population will demand Halal provision and will select residential care or other options which will cater for their requirements.
- Social – potential rise in community tensions; other religious groups – e.g. Jewish community – may react to the change negatively; the County Council's reputation may be damaged in being seen to

remove "choice" from Muslim communities – particularly when the Council has had policies in place to meet the dietary requirements of different religions since 1984.

### **Question 5 – Identifying Initial Results of Your Analysis**

As a result of your analysis have you changed/amended your original proposal?

Please identify how –

For example:

Adjusted the original proposal – briefly outline the adjustments

Continuing with the Original Proposal – briefly explain why

Stopped the Proposal and Revised it - briefly explain

This is a policy review and as such no amendment has been made at this time.

### **Question 6 - Mitigation**

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your decision on those sharing any particular protected characteristic. It is important here to do a genuine and realistic evaluation of the effectiveness of the mitigation contemplated. Over-optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if any mitigation might adversely affect any other groups and how this might be managed.

Should the County Council cease to provide un-stunned Halal meat, it will clearly promote this to relevant schools and establishments and ensure that a vegetarian option is available as an alternative to meet the dietary requirements of Muslim and other pupils.

Should the current policy remain in place, there are in-built



arrangements to address the needs of all pupils – i.e. schools can purchase stunned or un-stunned Halal meat, other meat and poultry options are available in other schools, menus reflect the needs of other religions and vegetarian options are widely available.

### **Question 7 – Balancing the Proposal/Countervailing Factors**

At this point you need to weigh up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of your analysis. Please describe this assessment. It is important here to ensure that the assessment of any negative effects upon those sharing protected characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

This proposal is a review of the County Council's Policy on the supply of Halal meat to schools which at this stage does not recommend a course of action.

### **Question 8 – Final Proposal**

In summary, what is your final proposal and which groups may be affected and how?

Review of the County Council's Policy on the supply of Halal meat to schools.

### **Question 9 – Review and Monitoring Arrangements**

Describe what arrangements you will put in place to review and monitor the effects of your proposal.

Any changes in the take up of school meals by pupils arising from this policy review outcome will be monitored on an ongoing basis by the School Meals Service as will any changes in the numbers of schools using this Traded Service.

Equality Analysis Prepared By: Lynne Johnstone (Policy, Information & Commissioning Manager: Live Well) & Jeanette Binns (Equality & Cohesion Manager)

Equality Analysis Endorsed by Line Manager and/or Service Head: Ajay Sethi (Head of Service Learning and Skills (Start Well))

Decision Signed Off By

Cabinet Member or Director

**Please remember to ensure the Equality Decision Making Analysis is submitted with the decision-making report and a copy is retained with other papers relating to the decision.**

For further information please contact:

Jeanette Binns

Equality and Cohesion Manager

[Jeanette.binns@lancashire.gov.uk](mailto:Jeanette.binns@lancashire.gov.uk)

Telephone 01772 533516

Thank you