Section 4

Equality Analysis Toolkit

The supply of Halal Meat to Schools

For Decision Making Items

September 2018

Lancashire County Council

www.lancashire.gov.uk

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 characteristic are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstance 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

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

Name/Nature of the Decision

The County Council's Policy on the supply of Halal meat to schools to be amended to provide stunned halal meat only.

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 if it chooses to purchase any halal meat.

It is proposed that this policy is amended to remove the un-stunned halal meat option and that the County Council will only provide halal meat which has been stunned.

It should also be clarified that in schools with a mixed faith population the menu production is segregated between halal meat dishes for Muslim pupils, where required, and British Red Tractor Farm Assured meat dishes for all other pupils. A vegetarian option is also made available daily and any pupils with special dietary requirements for allergens or intolerances are provided with an applicably controlled menu, ensuring that all pupils are offered an appropriate choice.

All Halal dishes are denoted by colour coded serving dishes and utensils and in the case of secondary schools, with appropriate signage too.

Regardless of the outcome of this proposal these arrangements would continue to ensure all pupils are clear about what they are eating.

This Equality Analysis seeks to reflect information gathered since this issue first came to the fore in 2013, including the Task and Finish Group's considerations in 2013 and the recent public consultation. It seeks to set out the considerations in a fair, objective and rigorous manner.

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 and some schools in the 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. Although 12,000 pupils are on roll at these schools, not all will eat halal meat and it is impossible to be certain how many of these pupils take the halal meat menu option.

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. Although 12,000 pupils are on roll at these schools, not all will eat halal meat and it is impossible to be certain how many of these pupils take the halal meat menu option.

Religion or Belief – Religion: for pupils who are Muslim, any change in policy to provide only stunned halal meat options would result in reduced choice of menu options such as having vegetarian or other non-meat meals if they find stunned halal meat to be unacceptable. It 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.

Other Religions – it has become clear during the review of consultation responses, that a number of respondents believed that halal meat would be provided to all children including those of Christian, Hindu, Buddhist and other faiths. This was not part of the proposal and would not have happened. It is important to be clear that in those schools where it would be available, halal meat would be an available option, but that for pupils not requiring halal meat British Red Tractor Farm Assured meat dishes would be available and clearly identifiable. There would be no "forcing" of halal meat on any non-Muslim pupils and food provision would take account of other religions/beliefs and meet legal requirements.

No Religion – the County Council received representations from secular/humanist groups during summer 2017 when this issue received publicity. These representations argued that food should not be provided at all to meet religious requirements. These views were also reflected amongst public consultation respondents. However, the National Secular Society's written response strongly agreed with the proposal to supply only stunned halal meat.

Belief – those with a strong belief in animal rights/animal welfare (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 are present in Lancashire. These views were also represented amongst consultation respondents. However, for many school pupils with these views, alternative meal options are available - e.g. vegetarian options.

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 revenue 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.

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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)

A public consultation was carried out between 7 February and 7 March 2018, seeking views on the proposal to only provide stunned halal meat to schools and asking what the impact of this would be on respondents. The consultation was placed on the "Have Your Say" area of the County Council's website. A range of stakeholders were given prior notice of the consultation's location and timescale. These included:

- The Governing Bodies and Headteachers of affected schools;
- Lancashire Council of Mosques;
- Lancaster and Lakes Jewish Community
- Burnley Synagogue & Jewish Community Burnley, Lancashire
- Lancashire Secular Humanists
- Lancashire Police Chief Inspector Ian Mills Head of Equality and Community Engagement
- Police & Crime Commissioner
- Lancashire Safeguarding Children & Adults Board Chair
- Lancashire Association of Local Councils
- County and District Councillors and Chief Executives

A Press Release was also issued which featured of local radio and social media news outlets (e.g. Radio Lancashire and Blog Preston) whilst an item about the consultation also appeared on the Staff News area of the County Council's intranet.

8,545 responses were received to the consultation, 7,840 on-line responses and 705 paper copies. In terms of demographics of respondents:

53% of respondents said that they were responding as Lancashire residents, this is a lower proportion than usually found in County Council consultations. It is however possible that some people who fitted into other categories such as parents or carers of school pupils, school staff, members of VCFS groups, etc were also residents of Lancashire. It was also clear that some respondents came from other parts of the country and that this consultation attracted a lot of attention from groups/individuals representing a wide range of

viewpoints. 33% of respondents identified as being the parent/carer of a Lancashire school pupil.

Ethnicity – 43% of respondents were White which is much lower than for many consultations and far lower than the Census profile for the White ethnic group. 18% of respondents "prefer not to say" and 34% of respondents were Asian or Asian British. In terms of both the county's population and the usual profile of consultation respondents, there is a significantly higher proportion of respondents who are Asian or Asian British. 2% of respondents identified as being of Mixed Ethnicity or Other Ethnicity respectively and 1% of respondents were Black or Black British.

Religion or Belief – 24% of respondents identified as being Christian, 17% as having "no religion", 45% of respondents identified as being Muslim, 12% "prefer not to say" and 1% of respondents selected the "any other religion" option. 21 respondents were Buddhist, 15 respondents were Jewish, 13 were Sikh and 8 were Hindu respectively. The proportion of respondents who were Christian is lower than in the Lancashire population whilst the proportion of respondents who were Muslim is much higher than their representation in the county's population. These trends also apply to usual County Council service consultations.

Gender - Responses from males were higher than usual at 49% with 44% of respondents being female and the others "prefer not to say". This response rate is more representative of the male population of the county in gender terms than is usually the case. In most County Council consultations women form the majority of respondents.

Age – 56% of respondents were aged 35-64, although this is a wide age range it is noticeably higher than the usual response rate for this group in County Council consultations. This may reflect numbers of respondents amongst parents/carers of school pupils. There are 9% of respondents in the 65-74 age group and 1% aged over 75. 3% of respondents are aged under 16 and 2% are aged 16-19, which shows some engagement of young people on this issue. 20% of respondents

are aged 20-34 which is higher than the usual response rate for this age group.

Respondents were asked if they had children in their household, the percentage of those who answered that there were children in their household was much higher than those who responded as "the parent or carer of a Lancashire school pupil" (64% had children in the 5-16 age range in their household although this includes some who have children in various age groups as 60% of respondents had children aged under 20 in their household) whilst 33% of respondents responded as a parent/carer of a Lancashire school pupil). 24% of respondents had no children under 20 in their household. This profile indicates that many people may have participated in the consultation because of views they hold on this issue rather than because the proposal will have a direct/personal impact on them or their family.

65% of respondents strongly disagreed with the proposal to provide stunned halal meat in those schools which offered a halal meat option, and 38 people tended to disagree. 90% of Muslim respondents strongly disagreed with the proposal. Where respondents gave a reason why they disagreed with the proposal, 70% of these respondents did so because they supported un-stunned halal meat being supplied to schools and 30% said they disagreed with the proposal because they don't think any halal meat should be supplied to schools in Lancashire.

33% of respondents strongly agreed with the proposal and 1% tended to agree whilst 1% neither agreed or disagreed. Of those respondents who agree with the proposal 77% agreed for animal welfare reasons.

Some of the themes emerging from consultation responses were:

- A misconception amongst some respondents that currently, or in the future, halal meat would be served to all pupils in those schools affected or even in all schools. When asked in the consultation whether they agreed or disagreed with the proposal 9% of respondents said that "Halal meat should not be used in schools – especially without prior knowledge", 3% said "It is unlawful to feed un-stunned halal meat to non Muslims" and 3%

said "Members of other religions can't eat halal meat". It is not and will not be the case that halal meat is supplied in schools without being clearly identified and separated. Non halal meat products in schools are from British Red Tractor Farm Assured sources whilst the halal meat products are also from clearly accredited sources. Currently halal meat is only provided in 27 schools which have chosen to include this amongst their menu options and it is clearly identifiable with colour coded serving dishes and utensils and signage in secondary schools;

- A number of respondents wanted to be reassured that pupils had a choice of food and that halal or kosher food was served only to those of the Muslim or Jewish faith. This is the arrangement currently in place;
- Many respondents cited issues of animal welfare as the reason for their response and their support of the proposal to only provide stunned halal meat, Many viewed this as "kinder" to animals and a more humane method of slaughter. However, there were opponents of the proposal whose view was that the un-stunned method was more humane. A further group opposed the proposal because it proposed providing stunned halal meat and they believed any halal meat did not meet animal welfare requirements. All views gave scientific evidence in support of their respective positions;
- Other respondents support the continued provision of un-stunned halal meat for those who wish to have it and the importance of having that choice. 22.6% of Muslim parent respondents, 12.2% of other parents responding and 21.2% of other respondents said that the proposal would remove their choices, Many indicated that if un-stunned halal meat was not available pupils may no longer eat school meals (32% of Muslim parents said this), would be limited solely to vegetarian options/stop eating meat at school (37.2% of Muslim parents said this) or might take packed lunches or eat at home instead. A number of these respondents had children in Lancashire schools and saw a potential direct impact on them. For many of these respondents, stunned meat was not acceptable as in their view stunned "halal" meat would not be halal (39% of all respondents said this). Many also felt

that the current arrangement of providing un-stunned halal meat had worked well and they had confidence in the meals that were being provided as meeting their/their childrens' religious requirements. There was also concern that for those who opted to take packed lunches to school, they would then "miss out" on a hot meal which would be a particular issue in winter (25.8% of Muslim parents mentioned an adverse impact on their children's health/diet), and on the opportunity to eat meat and socialise with their friends (4% of Muslim parents said that their children would feel left out and discriminated against). A number of respondents opposed to the proposal said their children "loved" meat meals at schools whilst others said their children would be unable to participate in school meals events - one mentioned their daughter potentially missing Christmas and Easter lunches or Fantastic Fridays - which their children enjoyed. The importance of opportunities to socialise with friends of all backgrounds over lunchtime was mentioned by a number of respondents.

- Choice was also emphasised, however, by those who supported the proposal to supply stunned halal meat only. Some consultation responses indicated that pupils may already have switched to vegetarian or packed lunch options because they thought incorrectly that all meat was halal (20.6% of Other Parents responding said their children "would no longer eat meat at school" and 27.1% of Other Respondents) and "We Would Not Eat Halal Meat/Disagree with it/against our beliefs", 12.3% of Other Parents and 10.4% of Other Respondents). Others indicated that they would stop having school meals if the proposal to provide stunned halal meat in schools was approved because they interpreted incorrectly that this would be provided to all pupils.
- Nutrition was also a concern for many parents of children who currently ate un-stunned halal meat, in consultation responses a number felt their child's nutrition would be adversely impacted by not having access to an appropriate meat option in their school lunch. Conversely, a number of consultees stated that vegetarian options were just as nutritious as meat.

- There were differing theological views on whether un-stunned halal meat was required as part of their religious observance by Muslims. Most Muslim respondents and some others who referenced this were clear that stunned meat would not be considered "halal" and would not be acceptable. Other respondents stated that they believed it would be acceptable, although only 4 respondents who identified as Muslim gave that view.
- Alongside issues about choice, respondents on both sides also cited discrimination because of race or religion as a possible effect of the proposal. 4% of Muslim Parent respondents identified that it would make Muslim children feel left out/discriminated against with 2.9% of Other Parents and 1.8% of Other Respondents indicating this. Another comment that "it would make me seek legal advice and make me look at bringing charges/suing the Council attracted" was indicated by 0.4% Muslim parents, 0.6% Other Parents and 0.5% of Other Respondents respectively.
- There were also a number of consultation responses which raised concerns about the impact on community cohesion and integration which the outcome of this decision, whatever it may be, could have. Concerns about increased tensions between different communities within schools or more widely, have been reflected in a number of consultation responses.
- The impact of the outcome of the proposal on take up of school meals was mentioned in some responses. Some consultees who supported the proposal and some who did not suggested they may withdraw their children from having school meals or provide a packed lunch instead – others said they had already done so. There were also a few comments on whether fewer children having school lunch might affect the prices charged. A small number of respondents did specifically state that they would boycott schools meals – e.g. "I would boycott the meals and urge all Muslim parents to do the same. I would also protest for my rights" was one such comment.
- Some parents whose children currently have school meals because un-stunned halal meat is available said that if the

proposal was agreed they would need to provide packed lunches but that this would be very difficult as they had – for example - three children who would be affected. 31.7% of Muslim Parents said it would be inconvenient or more expensive for them as their children would stop having school dinners, and 29.8% of Other Parents also said this, only 8,4% of Other Respondents said this. One of these consultees also said they had health issues which would increase the difficulty of making packed lunches for their three children daily.

- There were a number of consultees who commented that providing halal meat in any form would mean the County Council paying "zakat". This is not the case as the County Council's procurement is controlled only by UK and EU legal requirements.
- In representations made to the County Council during autumn 2017 and in some consultation responses, a specific issue was highlighted in relation to provision of stunned chicken/poultry. About 50 consultation respondents commented that, in their view, stunning methods carried a greater risk of killing a small bird/animal such as a chicken prior to slaughter which was seen both as a less humane method of slaughter and meaning it would not be halal. These views came from both Muslims and non-Muslims and both those who agreed and disagreed with the proposal. One comment from non-Muslims read "ensure the meat is stunned, except chicken as I understand there are issues stunning chicken…All halal meat should be clearly labelled as such I would hate any child or person in hospital or in a council run institution anywhere to serve me or mine meat …which has had prayers said over it that I do not believe in". Another said "I am a white English woman married to an Asian man who is not a practising Muslim but his family are. I have explained to his family why I will not eat halal beef or halal lamb and they respect my decision. If I am catering for any of my family I purchase halal chicken and there is not an issue. Maybe the council should consider just purchasing halal chicken and not risk purchasing halal beef or lamb". Muslim respondents comments included: "It is wrong to stun and torture an animal in this inhumane way. It also kills the chicken before it can be

humanely slaughtered according to halal and kosher requirements. Stunned chicken is unhygienic..", "Because chickens go through more pain when they are stunned as they die a slow death", "Stunning is against my faith and it is proven unhealthy, research shows that 1) animals, especially chickens die prior to slaughter due to stunning …." And "Halal meat is only truly halal if the animal is alive at the time of slaughter. Stunning small animals (poultry) often kills them so this means this process is unreliable for halal meat".

Alongside the consultation responses, 47 other responses were received – 10 letters and 37 emails. 44 of these were from members of the public with all but one supporting the proposal. The others received were from Lancashire Council of Mosques and the Board of Deputies of British Jews who both opposed the proposal and the National Secular Society which supported the proposal.

The following information/reports/views have also 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 religion or belief 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 could lead to claims that the Council is discriminating against these pupils by not meeting their religious requirements for un-stunned halal meat. This view was reflected in a small percentage of consultation responses in terms of potential legal action and more widely in terms of the view that the County Council would not be meeting religious needs of Muslim pupils/parents. Although there are local authorities who provide stunned halal meat only and this appears to be acceptable to their communities (e.g. Leicestershire County Council, Nottinghamshire County Council), the volume and content of consultation responses from parents whose children currently eat un-stunned halal meat in Lancashire schools, suggest that this would not be the case in Lancashire.

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 religion or belief and race discrimination if the service no longer made what is seen as specific provision to meet the dietary requirements of Muslim pupils/parents.

A number of respondents also said that the County Council was acting unlawfully and discriminating against Christian pupils, pupils of other religions (Sikh, Hindu and Buddhist were cited) and those with no religion by serving halal meat generally to the school population. That perception is wrong as the County Council clearly separates and identifies halal food options from others available and these arrangements are therefore non-discriminatory and meet legal requirements.

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. Some consultation respondents whose children currently ate un-stunned halal meat in their school lunches expressed a concern that the proposal may result in health issues for their children in the future.

It should be stated, however, that other respondents, many of whom supported the proposal, said that vegetarian lunches were nutritious and, in their view, would be much healthier for all children.

A number of respondents stated that if un-stunned halal meat was no longer available they would have to provide a packed lunch or their child would eat at home. Responses highlighted the impact this would have as Muslim parent respondents clearly valued that their child currently received a hot, healthy, nutritious meal at school and were concerned that there could be ongoing issues for pupils if this were no longer the case. Other Muslim parents mentioned that they had children at schools where halal meat was not available and that sometimes if the vegetarian option was something the child did not like – e.g. Quorn – they came home very hungry from school on those days. Others felt that the alternatives would be jacket potatoes or pizza and that this would be "carb packed" as one put it.

There were suggestions amongst some Muslim parent consultees that their children might opt for the vegetarian option if un-stunned halal

meat was not available, but a number of parents added that their children "loved meat" and felt that their opportunity to have choice about what they could have from the menu was being significantly reduced. It was clear that most respondents whose children currently take the un-stunned halal meat option would not find stunned halal meat an acceptable alternative and would feel that they were not being treated fairly or equally.

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 were to take in packed lunches or to boycott school meals, this may reduce the opportunities for pupils to spend time together and may instead raise tensions

between different groups of pupils. Some respondents to the consultation mentioned the importance of pupils eating together and were concerned that, if this no longer happened, it may foster a feeling of "them and us" and undermine pupils' feelings of being part of the school or local community. Furthermore, were it to be identified or assumed that any reduction in take up of school meals had resulted in a rise in school meals prices at affected schools, tensions may be particularly heightened. This was mentioned in a number of the consultation responses within the open question options.

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 Islamaphobic hate crime both nationally and locally. The consultation has produced some quite polarised opinions and it is important to dispel those which are inaccurate – e.g. that pupils generally do not have a choice of which meat they eat. It is also clear from the tone and content of some of the consultation responses that tensions have been heightened already. Other comments did highlight individuals' concerns about the potential impact on community cohesion and relations between pupils within schools and cohesion in the wider community.

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.

Consideration 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 – in any lost revenue from reduced take-up of school meals;
- 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 – in its resilience plans and rest centre arrangements the Service endeavours to meet the needs, where practicable, of individuals or groups who may require special care and attention or to consider cultural and religious 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; religious or other groups may react to the change negatively. The County Council's reputation may be damaged in being seen to remove "choice" from communities – particularly when the Council has had policies in

place to meet the dietary requirements of different religions since 1984.

In March 2018 the Government published its Integrated Communities Strategy Green Paper which includes sections focussed on schools and young people alongside wider suggestions on how to further integration between different communities, particularly in relation to ethnicity/race, religion or belief and socio economic backgrounds. This includes references to pupils of different backgrounds spending more time socialising together at school as potentially benefitting integration.

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

The proposal has changed since its initial considerations in summer 2017. In the light of representations received and comments from the public consultation and from Elected Members, there is a growing view that un-stunned poultry/chicken be permitted in recognition of the particular difficulties caused by stunning poultry/chickens

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 continue to ensure that a vegetarian option is available as an alternative to meet the dietary requirements of Muslim and other pupils.

Cabinet member deliberations together with respondents to the consultation have eluded to the continuation in supply of un-stunned poultry/chickens due to the risks of death associated in stunning poultry/chickens thus making it "haram". The amendment to continue to supply un-stunned poultry products, if agreed, would provide some measure of mitigation and should allow a halal meat option to be available for Muslim pupils at those schools which require it.

Should the current policy remain in place, there are in-built arrangements to address the needs of all pupils. Schools can purchase stunned or un-stunned halal meat, Red Tractor Farm Assured meat and poultry options which are available along with vegetarian options. In all schools menus reflect the needs of other religions or dietary requirements where schools request this. All non-halal meat is Red Tractor Farm Assured meat.

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 would result in the County Council only providing stunned halal meat products to schools – which would largely affect the provision of beef products for school meals. Cabinet member deliberations together with respondents to the consultation have eluded to the continuation in supply of un-stunned poultry/chickens due to the risks of death associated in stunning poultry/chickens thus making it "haram". The amendment to continue to supply un-stunned poultry products, if agreed, would provide some measure of mitigation and should allow a halal meat option to be available for Muslim pupils at those schools which require it. As at present there is no demand from schools for stunned halal meat products, it is possible that some schools requiring halal meat would make alternative arrangements.

Question 8 – Final Proposal

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

The County Council will only supply stunned halal meat products in schools – which would largely affect the provision of beef products for school meals. Cabinet member deliberations together with respondents to the consultation have eluded to the continuation in supply of un-stunned poultry/chickens due to the risks of death associated in stunning poultry/chickens thus making it "haram". The amendment to continue to supply un-stunned poultry products, if agreed, would provide some measure of mitigation and should allow a halal meat option to be available for Muslim pupils at those schools which require it.

This decision would mainly affect Muslim pupils and their families or school staff who eat school meals at those schools where un-stunned halal meat is currently available.

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 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: Dave Carr (Head of Service Policy, Information and Commissioning: Start Well)

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

Telephone 01772 533516

Thank you