



**LEAD MEMBER FOR EDUCATION AND INCLUSION, SPECIAL EDUCATIONAL  
NEEDS AND DISABILITY**

**MONDAY, 25 MARCH 2019**

**10.00 AM CC1, COUNTY HALL, LEWES**

**DECISIONS** to be made by the Lead Member for Education and Inclusion, Special Educational Needs and Disability, Councillor Bob Standley.

**A G E N D A**

- 1 Decisions made by the Lead Cabinet Member on 26 February 2019 (*Pages 3 - 4*)
- 2 Disclosures of interests  
Disclosure by all Members present of personal interests in matters on the Agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct
- 3 Urgent items  
Notification of items which the Lead Member considers to be urgent and propose to take at the end of the appropriate part of the Agenda
- 4 Proposed SEN facility at Grovelands Community Primary School (*Pages 5 - 28*)
- 5 Any urgent items previously notified under agenda item 3

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15 March 2019

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## **LEAD MEMBER FOR EDUCATION AND INCLUSION, SPECIAL EDUCATIONAL NEEDS AND DISABILITY**

DECISIONS made by the Lead Member for Education and Inclusion, Special Educational Needs and Disability, Councillor Bob Standley, on 26 February 2019 at County Hall, Lewes

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### 23 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 24 JANUARY 2019

23.1 The Lead Member approved as a correct record the minutes of the meeting held on 24 January 2019.

### 24 REPORTS

24.1 Reports referred to in the minutes below are contained in the minute book.

### 25 ADMISSION ARRANGEMENTS FOR THE 2020/21 SCHOOL YEAR

25.1 The Lead Member considered a report by the Director of Children's Services seeking approval of the admission arrangements for the 2020/21 school year.

#### DECISIONS

25.2 The Lead Member RESOLVED to approve the admission arrangements for 2020/21, and (1) The proposed admission priorities and community areas;

(2) The proposed admissions numbers, noting that the proposed increase to the PAN (Published Admission Number) for Willingdon Community School has been deferred to 2021/22 at the request of the school so that the PAN will remain at 200 for admissions in 2020/21, and that the PANs for Buxted CE Primary School and Danehill CE Primary School will increase to 30 (from 25) and 15 (from 12) respectively at the request of their governing bodies;

(3) The proposed co-ordinated admissions schemes with the following changes from previous years:

- That the primary and secondary scheme be amended slightly to reflect the assumption that it is in the best interests of summer-born children to be admitted to reception at compulsory school age where their parents request it, unless there are clear reasons why this would be inappropriate, and that own admission authority schools in East Sussex should be advised of this assumption and encouraged to adopt it by the County Council;
- That parents still be required to make a case for this so that it can be demonstrated that the County Council has considered the rationale behind the request and made the decision in the child's best interests;
- That the County Council continue to advise all parents, whose request for admission out of year group is agreed, of the potential difficulties this could cause later on, and

continue to require parents to agree that they have understood this and take responsibility for this decision.

(4) That with respect to in-year admissions (for example, families moving into the area with a child who has already been deferred in another area or admission authority) that the County Council should work on the same assumption;

(5) That in cases where parents submit in-year applications (or phase transfer applications for junior or secondary school) for their children to be educated out of year group where this has not happened before, or where they have come from provision that does not follow the National Curriculum (e.g. private provision or overseas) the County Council advise parents of a likely delay and make a decision in the best interests of the child in consultation with the Headteacher of the relevant school as in the case of summer born children applying at reception entry.

(6) That the County Council adopt the recommendation set out in a letter from the Rt Hon Nick Gibb MP, Minister of State for School Standards, that the definition of 'looked after children and previously looked after children' in the glossary of the County Council's 'Apply for a school' guidance be amended to clarify that 'this may include children previously in state care outside of the UK'.

#### Reasons

25.3 The County Council is required by law to carry out consultation on admission arrangements every seven years, or sooner if there are any changes to those arrangements for the schools where the local authority is the admission authority.

25.4 The determined admission arrangements for community and voluntary controlled schools will be published on the East Sussex County Council website by 15 March 2019 as required under current legislation. Any objections to these arrangements can then be made to the Office of the Schools Adjudicator until 15 May 2019. The final arrangements will be published in the composite prospectus online (and available in hard copy on demand) by 12 September 2019 as required by the School Admissions Code 2014.

# Agenda Item 4

Report to:	<b>Lead Member for Education and Inclusion, Special Educational Needs and Disability</b>
Date:	<b>25 March 2019</b>
By:	<b>Director of Children's Services</b>
Title of report:	<b>Proposed SEN facility at Grovelands Community Primary School</b>
Purpose of report:	<b>To seek Lead Member approval to establish a Special Educational Needs (SEN) facility at Grovelands Community Primary School.</b>

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## **RECOMMENDATION:**

**The Lead Member is recommended to:**

- **authorise the establishment of a SEN facility for up to 8 pupils at Grovelands Community Primary School with effect from the start of Term 5 in the 2018/19 academic year.**
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## **1. Background**

1.1 On 24 January 2019 the Lead Member for Education and Inclusion, Special Educational Needs and Disability considered a report on the proposed establishment of a SEN facility at Grovelands Community Primary School, Hailsham. As described in the report, a recent review of SEN provision in the county identified a gap in specialist provision in mainstream schools for pupils with a primary need of Autism Spectrum Disorder (ASD) in the Hailsham area. There is already a specialist facility for pupils at Hailsham Community College. Developing a primary facility in close proximity to the existing secondary school facility would allow progression for pupils and continuity of support to aid the transition of pupils for whom a secondary facility is the most appropriate next stage. This would assist in reducing the increasing trend of transition from mainstream primary school to special secondary schools. For some pupils, providing early intervention at primary phase through a facility place, would address needs and enable transition to mainstream secondary school.

1.2 For these reasons, the Council would like to establish a facility for up to 8 pupils at Grovelands Community Primary School. The facility would provide for pupils with a primary need of ASD, although pupils may present with a complex range of need that would be accommodated by the facility.

## **2. Consultation**

2.1 The Council consulted with key stakeholders and interested parties on the proposal between 6 July and 14 September 2018. The majority of respondents to the consultation (89.7%) supported the proposal.

2.2 On 24 January 2019 the Lead Member approved the publication of statutory notices in respect of the proposal. The report can be viewed online with the meeting papers for the 24 January 2019 Lead Member for Education and Inclusion, Special Educational Needs and Disability meeting available on the East Sussex County Council website. .

2.3 In accordance with the prescribed process established by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 a statutory notice was published in the Sussex Express on Friday 1 February 2019 and posted at the entrances to the school. The notice and full proposal were also posted on the Council's website.

2.4 Publication of the statutory notice was followed by a 4-week representation period, when comments or objections could be made to the Council. By the close of the representation period no comments or objections had been received.

## **3. Equality Impact Assessment**

3.1 The Lead Member is required to have 'due regard' to the duties set out in Section 149 of the Equality Act 2010 (the Public Sector Equality Duty) in determining these proposals. An Equality Impact Assessment (EqIA) has been undertaken to identify any risks and appropriate mitigations. The findings of the EqIA can be viewed in **Appendix 1.**

#### **4. Conclusion and reasons for recommendations**

4.1 In conclusion the Council has identified a gap in specialist provision in mainstream primary schools for pupils with a primary need of ASD in the Hailsham area. The Council would like to establish a facility for up to 8 pupils at Grovelands Community Primary School to address this need.

4.2 The majority of respondents to the consultation supported the proposal to establish a SEN facility at Grovelands Community Primary School.

4.3 Before reaching a decision on whether to approve the proposal, the Lead Member should consider a number of factors. These are set out in **Appendix 2**.

4.4 It is proposed that the new facility would be established with effect from the start of Term 5 in the 2018/19 academic year.

#### **STUART GALLIMORE Director of Children's Services**

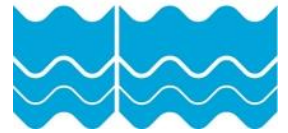
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#### LOCAL MEMBERS Councillor Gerard Fox

BACKGROUND DOCUMENTS  
Report and minute from the Lead Member meeting on 24 January 2019 (available online on the East Sussex County Council website)

APPENDICES  
Appendix 1 – Equality Impact Assessment

Appendix 2 – Factors to be considered by the decision maker



Appendix 1

# Equality Impact Assessment

## Project or Service Template

Name of the proposal, project or service
Proposed SEN facility at Grovelands Community Primary School

File ref:	Proposed SEN facility at Grovelands Community Primary School	Issue No:	1.0
Date of Issue:	March 2019	Review date:	

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## **Part 1 – The Public Sector Equality Duty and Equality Impact Assessments (EIA)**

**1.1** The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An EIA is the best method by which the Council can determine the impact of a proposal on equalities, particularly for major decisions. However, the level of analysis should be proportionate to the relevance of the duty to the service or decision.

**1.2 This is one of two forms that the County Council uses for Equality Impact Assessments, both of which are available on the intranet. This form is designed for any proposal, project or service. The other form looks at services or projects.**

### **1.3 The Public Sector Equality Duty (PSED)**

The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have “due regard” to the need to

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (see below for “protected characteristics”

These are sometimes called equality aims.

### **1.4 A “protected characteristic” is defined in the Act as:**

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

### **1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:**

- Carers – A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. [Carers at the Heart of 21stCentury Families and Communities, 2008]
- Literacy/Numeracy Skills



## Equality Impact Assessment

- Part time workers
- Rurality

### **1.6 Advancing equality (the second of the equality aims) involves:**

- Removing or minimising disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

NB Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

### **1.6 Guidance on Compliance with The Public Sector Equality Duty (PSED) for officers and decision makers:**

1.6.1 To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

1.6.2 What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

1.6.3 *Some key points to note :*

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- EIAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them – the duty does not stop tough decisions sometimes being made.

## Equality Impact Assessment

- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors)

1.6.4 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

## **Part 2 – Aims and implementation of the proposal, project or service**

### **2.1 What is being assessed?**

#### **a) Proposal or name of the project or service.**

Proposed SEN facility at Grovelands Community Primary School

#### **b) What is the main purpose or aims of proposal, project or service?**

The proposal is to establish a specialist facility for up to 8 pupils at Grovelands Community Primary School, Dunbar Drive, Hailsham, East Sussex BN27 3UW. The facility would provide for pupils with a primary need of Autism Spectrum Disorder (ASD), although pupils may present with a complex range of need that would be accommodated by the facility. There is already a specialist facility for pupils at Hailsham Community College.

Developing a primary facility in close proximity to the existing secondary school facility would allow progression for pupils and continuity of support to aid the transition of pupils for whom a secondary facility is the most appropriate next stage. This would assist in reducing the increasing trend of transition from mainstream primary school to special secondary schools. For some pupils, providing early intervention at primary phase through a facility place, would address needs and enable transition to mainstream secondary school.

#### **Manager(s) and section or service responsible for completing the assessment**

Gary Langford, Place Planning Manager, Standards & Learning Effectiveness Service

The EIA was contributed to by the relevant local authority teams and services.

### **2.2 Who is affected by the proposal, project or service? Who is it intended to benefit and how?**

The proposal is about providing specialist educational provision within the school for children with Education, Health and Care plans (EHCPs) with a primary need of ASD.

Pupils within the facility would be on the roll of the mainstream school and would be in addition to the published admission number. Placements are determined by the Council according to clear criteria, and would be drawn from a wider geographical area than the school's usual community area on a needs basis.

### **2.3 How is, or will, the proposal, project or service be put into practice and who is, or will be, responsible for it?**

There is a statutory responsibility on the Council to ensure the sufficient supply of school places in its area. The school would have a designated base to provide them with capacity for additional numbers of pupils with higher levels of need. The base would be integral to the school and would provide additional facilities so that the children can be taught in small groups according to their need and have access to a quiet space or nurture room.

## Equality Impact Assessment

Funding to develop these facilities would come from the Council's approved capital programme.

### **2.4 Are there any partners involved? E.g. NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?**

N/A

### **2.5 Is this proposal, project or service affected by legislation, legislative change, service review or strategic planning activity?**

The Council has a statutory duty to ensure there are sufficient school places available to meet current and future demand for places.

Proposed changes to the organisation of schools have to follow a prescribed process established in Section 19 (1) of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

The aspiration in East Sussex is that specialist facilities promote an ethos of inclusion and help integrate their pupils into the mainstream school for as much of their learning time as their needs allow. The primary objectives are:

1. To provide sufficient places for pupils with SEND and to specifically expand provision for pupils with ASD
2. To improve the attainment and progress of pupils with SEND
3. To provide more local options for pupils to attend schools within their local community

Background documents:

The Education Commissioning Plan 2017-2021 available on the ESCC website at:

<https://www.eastsussex.gov.uk/educationandlearning/management/download/>

Department for Education statutory guidance on making significant changes (prescribed alterations) to maintained schools:

<https://www.gov.uk/government/publications/school-organisation-maintained-schools>

### **2.6 How do people access or how are people referred to your proposal, project or service? Please explain fully.**

The Council consulted with key stakeholders and interested parties over a ten week period between 6 July and 14 September 2018 on the proposal. The consultation document was available on the ESCC website at:

<https://consultation.eastsussex.gov.uk/>

On 24 January 2019, the Lead Member for Education and Inclusion, Special Needs and Disability approved the publication of statutory notices in relation to the proposal. The statutory notice was published in the Sussex Express on 1 February 2019 and posted on entrances to the school, triggering a further four week period of consultation during which further comments or objections could be submitted. The Lead Member will consider any responses received during this time before making a final decision on whether to approve the expansion, subject to planning permission.

**2.7 If there is a referral method how are people assessed to use the proposal, project or service? Please explain fully.**

The proposal relates to provision of special educational needs facilities for pupils with a primary need of Autistic Spectrum Disorder (ASD). The specialist facility would principally be for identified pupils with an Education, Health and Care Plan (EHCP) naming ASD as their specific primary Special Educational need (SEN) although pupils may present with a complex range of need that would be accommodated by the facility.

**2.8 How, when and where is your proposal, project or service provided? Please explain fully.**

The Council anticipates that the new facility would be established with effect from the start of Term 5 in the 2018/19 academic year.

**Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.**

**3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.**

Types of evidence identified as relevant have <b>X</b> marked against them			
	Employee Monitoring Data		Staff Surveys
	Service User Data		Contract/Supplier Monitoring Data
<b>x</b>	Recent Local Consultations		Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
	Service User Surveys		Research Findings
<b>x</b>	Census Data	<b>x</b>	East Sussex Demographics
<b>x</b>	Previous Equality Impact Assessments		National Reports
	Other organisations Equality Impact Assessments		Any other evidence?

**3.2 Evidence of complaints against the proposal, project or service on grounds of discrimination.**

None received to date

**3.3 If you carried out any consultation or research on the proposal, project or service explain what consultation has been carried out.**

Refer to 2.6 above.

**3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the proposal, project or service?**

The proposal will have a positive impact for the wider local community as it will enhance existing provision and ensure that the Council’s aspiration that specialist facilities promote an ethos of inclusion and help to integrate their pupils into the mainstream school for as much of their learning time as their needs allow is met.

## Part 4 – Assessment of impact

### 4.1 Age: Testing of disproportionate, negative, neutral or positive impact.

#### a) How is this protected characteristic reflected in the County/District/Borough?

Grovelands Community Primary School is in the Hailsham South and West ward of the Wealden District. In 2017, there were estimated to be 12,360 children and young people aged 4-10 in the Wealden District. In the Hailsham South and West there were an estimated 755 children and young people aged 4-10.

In the three wards of Hailsham combined (South and West, Central and North and East) there were an estimated 1570 children and young people aged 4-10.

(Source: ONS, mid-year estimates released October 2018)

At the January 2018 school census date, around 34% of the 3,022 school-aged children with EHCPs maintained by East Sussex were educated in maintained special schools / special academies with around a further 7% in independent and non-maintained special schools. Linked to wider rising trends in numbers with EHCP's the numbers of children and young people requiring special school places is also forecast to rise, from 1,253 in 2017/18 to 1,461 in 2020/21, an increase of 198 (16%). This represents continued pressure and demand for more special school places.

#### b) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

The proposal will predominantly affect children of primary school age in the wider local community

#### c) What is the proposal, project or service's impact on different ages/age groups?

Developing a primary facility in close proximity to the existing secondary school facility would be seen as having a positive impact as it would allow progression for pupils and continuity of support to aid the transition of pupils for whom a secondary facility is the most appropriate next stage. This would assist in reducing the increasing trend of transition from mainstream primary school to special secondary schools. For some pupils, providing early intervention at primary phase through a facility place, would address needs and enable transition to mainstream secondary school.

#### d) What actions are to/or will be taken to avoid any negative impact or to better advance equality?

We do not believe any actions are necessary in relation to this proposal.

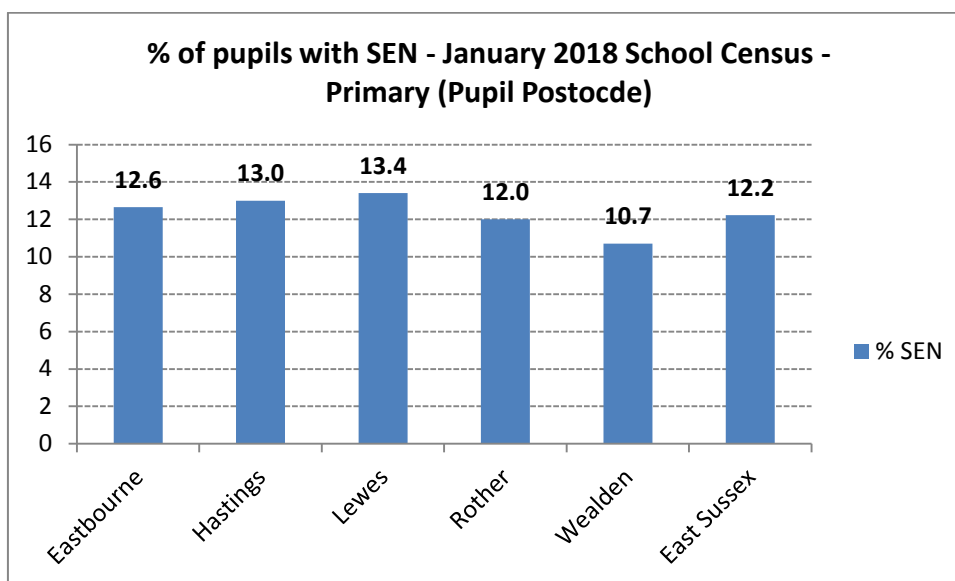
### 4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

#### a) How is this protected characteristic reflected in the County /District/Borough?

The following chart shows the percentage of children recorded as having Special Educational Needs (SEN) in the January 2018 school census

## Equality Impact Assessment

(children attending East Sussex maintained primary schools and academies). District/ Borough information relates to the pupil's home address as reported in the January 2018 school census.



At the January 2018 school census there were 8,712 children recorded as having SEN (of which 148 reside outside of East Sussex). The number who resides in the Wealden District was 11,940. (Pupils who reside in East Sussex, but are not educated in a state-funded school in East Sussex are not included in this analysis)

Disability projections published on East Sussex in Figures (ESiF) in 2016 put the total number of people with a disability in East Sussex at 94,227 for 2018. The figure for Wealden District is 24,204.

Dataset: Disability projections (dwelling-led), 2016-2031 - districts

ESCC Projections June 2018

Geography: Mixed | Year | Age group: All Ages | Category: Overall disability | Measure: Number of people with disability

Year	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
East Sussex	92,187	93,127	94,227	95,461	96,992	98,496	100,025	101,715	103,399	105,078	106,713	108,375	109,972	111,621	113,245	114,890
Eastbourne	18,117	18,218	18,345	18,510	18,713	18,899	19,116	19,344	19,563	19,789	20,009	20,241	20,475	20,716	20,955	21,196
Hastings	16,746	16,876	17,055	17,257	17,514	17,740	17,945	18,194	18,415	18,636	18,869	19,092	19,279	19,518	19,755	19,985
Lewes	16,375	16,563	16,801	17,048	17,371	17,690	18,024	18,391	18,709	19,004	19,280	19,566	19,858	20,140	20,419	20,730
Rother	17,469	17,646	17,823	18,001	18,234	18,479	18,708	18,975	19,306	19,641	19,962	20,272	20,558	20,849	21,135	21,422
Wealden	23,481	23,825	24,204	24,645	25,159	25,688	26,232	26,811	27,406	28,008	28,594	29,205	29,801	30,398	30,981	31,557

**b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

Current (January 2018) data for Grovelands Community Primary School shows that the percentage of SEN pupils at the school is 16.6% (113 out of 681). This is higher in comparison to the East Sussex Primary schools overall of 12.2%.

**c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**



## Equality Impact Assessment

The proposal will predominantly affect children of primary school age in the wider local community with SEN and/or disability

**d) What is the proposal, project or service's impact on people who have a disability?**

The proposal will have a positive impact as there will be more places available to address the gap in specialist provision in mainstream primary schools for pupils with a primary need of Autism Spectrum Disorder (ASD) in Hailsham and the surrounding area. The specialist facility would principally be for identified pupils with an EHCP naming ASD as their specific primary SEN, although pupils may present with a complex range of needs that would be accommodated by the facility.

**e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

We do not believe any actions are necessary in relation to this proposal.

**f) Provide details of any mitigation.**

The specialist facility would be integral to the operation of the school and, as a result, would be managed by the headteacher, governors and the senior leadership team.

### **4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.**

**a) How is this protected characteristic reflected in the County /District/Borough?**

According to the January 2018 school census the vast majority of pupils (91.5%) at Grovelands Community Primary School are of White British Heritage. This is in line with that of the population across the County (91.7%) based on the 2011 census.

8.5% of the pupils who attend the school are from a Black and Ethnic (BME) minority background. Across Wealden district 8.6% of the school population is BME. (13.9% of the population in primary schools in East Sussex are from a BME background.)

Data for Grovelands Community Primary School indicates that the percentage of pupils with English as an Additional Language (EAL) is 3.5% (years R-6). This is lower than the East Sussex primary schools overall of 6.5%.

**b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

Data for the school indicates that BME and EAL children are not over represented at Grovelands Community Primary School and as such will not be disproportionately affected by the proposal.

**c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

## Equality Impact Assessment

We do not believe that people with the protected characteristic will be more affected by the proposal than those in the general population who do not share that protected characteristic.

**d) What is the proposal, project or service's impact on those who are from different ethnic backgrounds?**

The proposal will have a positive impact as there will be more places available to meet the needs of children in the local area, including those from different ethnic backgrounds.

**What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

National legislation determines that schools cannot discriminate on race in relation to admissions policies.

**e) Provide details of any mitigation.**

N/A

**f) How will any mitigation measures be monitored?**

N/A

### **4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact**

**a) How is this protected characteristic target group reflected in the County/District/Borough?**

The percentage of pupils attending the school at the January 2018 census who are male is 49.8% and female 50.2%. This compares to the East Sussex figures of male 51.9% and female 48.1%.

**b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

The proportion of males and females attending the school is close to the overall East Sussex profile.

**c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

We do not believe that people with the protected characteristic will be more affected by the proposal than those in the general population who do not share that protected characteristic.

**d) What is the proposal, project or service's impact on different genders?**

We do not believe there will be an impact on different genders

**4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.**

- a) **How is this protected characteristic target group reflected in the County/District/Borough?**

We do not consider marital status/civic partnership characteristics to be relevant to the proposal.

**4.6 Pregnancy and maternity: Testing of disproportionate, negative, neutral or positive impact.**

- a) **How is this protected characteristic target group reflected in the County/District/Borough?**

We do not consider pregnancy and maternity characteristics to be relevant to the proposal.

**4.7 Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.**

- a) **How is this protected characteristic reflected in the County/District/Borough?**

This data is not collected at school level.

- b) **How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

N/A

- c) **Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

N/A

- d) **What is the proposal, project or service's impact on the people with different religions and beliefs?**

N/A

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

We do not believe any actions are necessary in relation to this proposal.

- f) **Provide details of any mitigation.**

N/A

- g) **How will any mitigation measures be monitored?**

N/A

**4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.**

- a) **How is this protected characteristic reflected in the County/District/Borough?**

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The school does not collect data about this category, and we do not consider it to be relevant to this proposal.

### 4.9 Other: Additional groups/factors that may experience impacts - testing of disproportionate, negative, neutral or positive impact.

#### a) How are these groups/factors reflected in the County/District/Borough?

As at the January 2018 School Census, 18.7% of Grovelands Community Primary School pupils are Ever6FSM in comparison to 21.4% of all pupils in East Sussex primary schools. Nationally in primary schools the figure is 24.3%. A pupil who is described as 'Ever6FSM' means that within the last 6 years the pupil has at some point been eligible for receiving Free School Meals (FSM).

#### b) How is this group/factor reflected in the population of those impacted by the proposal, project or service?

Data for the school indicates that there is an under representation of Ever6FSM pupils at Grovelands Community Primary School. We do not believe they will be disproportionately affected by the proposal

#### c) Will people within these groups or affected by these factors be more affected by the proposal, project or service than those in the general population who are not in those groups or affected by these factors?

N/A

#### d) What is the proposal, project or service's impact on the factor or identified group?

N/A

#### e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

We do not believe any actions are necessary in relation to this proposal.

### 4.10 Human rights - Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. Please look at the table below to consider if your proposal, project or service may potentially interfere with a human right.

This proposal supports Protocol P1.A2 Right to education (e.g. access to learning, accessible information)

Articles	
A2	Right to life (e.g. pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)

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<b>A5</b>	<b>Right to liberty and security (financial abuse)</b>
<b>A6 &amp;7</b>	<b>Rights to a fair trial; and no punishment without law (e.g. staff tribunals)</b>
<b>A8</b>	<b>Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)</b>
<b>A9</b>	<b>Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)</b>
<b>A10</b>	<b>Freedom of expression (whistle-blowing policies)</b>
<b>A11</b>	<b>Freedom of assembly and association (e.g. recognition of trade unions)</b>
<b>A12</b>	<b>Right to marry and found a family (e.g. fertility, pregnancy)</b>
<b>Protocols</b>	
<b>P1.A1</b>	<b>Protection of property (service users property/belongings)</b>
<b>P1.A2</b>	<b>Right to education (e.g. access to learning, accessible information)</b>
<b>P1.A3</b>	<b>Right to free elections (Elected Members)</b>

## Part 5 – Conclusions and recommendations for decision makers

### 5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups
- Foster good relations between people from different groups

### 5.2 Impact assessment outcome Based on the analysis of the impact in part four mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
X	<p><b>A No major change</b> – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.</p>	<p>The aspiration in East Sussex is that specialist facilities promote an ethos of inclusion and help to integrate their pupils into the mainstream school for as much of their learning time as their needs allow. The facility should also provide access to a base within the school for more intensive support when required.</p>
	<p><b>B Adjust the policy/strategy</b> – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.</p>	<p>The East Sussex model increasingly expects that the expertise of staff within the facility provide significant benefits to the rest of the school and other schools in the local area to support all pupils with SEN and create a fully inclusive learning environment. The development of new specialist provision in mainstream schools is facilitating further development of school to school partnerships through a strategic governance group. A revised service level agreement determines the outcomes for all facilities. Developing a primary facility in close proximity to the existing secondary school facility would be seen as having a positive impact as it would allow progression for pupils and continuity of support to aid the transition of pupils for whom a secondary facility is the most appropriate next stage. This would assist in reducing the</p>
	<p><b>C Continue the policy/strategy</b> - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate</p>	
	<p><b>D Stop and remove the policy/strategy</b> – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.</p>	

		<p>increasing trend of transition from mainstream primary school to special secondary schools. For some pupils, providing early intervention at primary phase through a facility place, would address needs and enable transition to mainstream secondary school.</p> <p>As the school has a higher percentage of pupils with SEN, in comparison with the East Sussex average, the proposal will also have a higher positive impact on this group.</p>
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**5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, project or service?**

The Governing Board of the school will evaluate attainment and other outcome data of the pupils supported by the SEN

**5.6 When will the amended proposal, proposal, project or service be reviewed?**

<b>Date completed:</b>	<b>March 2019</b>	<b>Signed by (person completing)</b>	<b><i>Catherine Denyer</i></b>
		<b>Role of person completing</b>	<b>Project Officer: Place Planning</b>
<b>Date:</b>	<b>March 2019</b>	<b>Signed by (Manager)</b>	<b><i>Gary Langford</i></b>

**Part 6 – Equality impact assessment action plan**

If this will be filled in at a later date when proposals have been decided please tick here and fill in the summary report.

The table below should be completed using the information from the equality impact assessment to produce an action plan  the implementation of the proposals to:

1. Lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact
4. **If no actions fill in separate summary sheet.**

**Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:**

Page 24	Area for improvement	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g. business plan/strategic plan/steering group/DMT)



### 6.1 Accepted Risk

From your analysis please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

Area of Risk	Type of Risk? (Legal, Moral, Financial)	Can this be addressed at a later date? (e.g. next financial year/through a business case)	Where flagged? (e.g. business plan/strategic plan/steering group/DMT)	Lead Manager	Date resolved (if applicable)

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**Factors which the Lead Member should consider before reaching a decision on the proposal**

1.1	Are the proposals related to other published proposals?	The proposal to establish Special Educational Needs (SEN) provision at Grovelands Community Primary School is not related to other published proposals.
1.2	Is conditional approval being sought for the proposal?	No
1.3	Was a statutory consultation carried out prior to the publication of notices?	A 10-week period of consultation was carried out between 6 July and 14 September 2018. A summary analysis of the consultation is included in the background documents to this report.
1.4	Did the published notice comply with statutory requirements?	The notice complied with statutory requirements as set out in 2.3 in the main report.
1.5	How will the proposal affect education standards and diversity of provision?	<p>Specialist facilities are located within a mainstream school and provide specific support to a limited number of pupils with an Education, Health and Care Plan (EHCP) naming a specific primary SEN.</p> <p>The aspiration in East Sussex is that specialist facilities promote an ethos of inclusion and help to integrate their pupils into the mainstream school for as much of their learning time as their needs allow. The facility should also provide access to a base within the school for more intensive support when required. The East Sussex model increasingly expects that the expertise of staff within the facility provide significant benefits to the rest of the school and other schools in the local area to support all pupils with SEN and create a fully inclusive learning environment. The development of new specialist provision in mainstream schools is facilitating further development of school to school partnerships through a strategic governance group. A revised service level agreement determines the outcomes for all facilities.</p>
1.6	How will the proposal affect the proposed admission arrangements for the school?	Pupils within the facility would be on the roll of the mainstream school and would be in addition to the published admission number. Placements are determined by the Council according to clear criteria, and would be drawn from a wider geographical area than the school's usual community area on a needs basis.
1.7	Has due regard under the Public Sector Equality Duty (PSED) been given to the need to eliminate discrimination, advance equality of opportunity and foster good relations?	<p>An Equality Impact Assessment (EqIA) has been undertaken to identify any risks and appropriate mitigations. The EqIA is appended to this report.</p> <p>Developing a primary facility in close proximity to the existing secondary school facility would be seen as having a positive impact as it would allow progression for pupils and continuity of support to aid the transition of pupils for whom a secondary facility is the most appropriate next stage. This would assist in reducing the increasing trend of transition from mainstream primary school to special secondary schools. For some pupils, providing early intervention at primary phase through a facility place, would address needs and enable transition to mainstream secondary school.</p> <p>No equality implications have been identified in the report.</p>

1.8	Will the proposal have an impact on community cohesion?	<p>Current (January 2018) data for Grovelands Community Primary School shows that the percentage of SEN pupils at the school is 16.6% (113 out of 681). This is higher in comparison to the East Sussex Primary schools overall of 12.2%.</p> <p>The proposal will have a positive impact as there will be more places available to address the gap in specialist provision in mainstream primary schools for pupils with a primary need of Autism Spectrum Disorder (ASD) in the Hailsham and the surrounding area. The specialist facility would principally be for identified pupils with an EHCP naming ASD as their specific primary SEN, although pupils may present with a complex range of needs that would be accommodated by the facility.</p> <p>According to the January 2018 school census the vast majority of pupils (91.5%) at Grovelands Community Primary School are of White British Heritage. This is in line with that of the population across the County (91.7%) based on the 2011 census.</p> <p>8.5% of the pupils who attend the school are from a Black and Ethnic (BME) minority background. Across Wealden district 8.6% of the school population is BME. (13.9% of the population in primary schools in East Sussex are from a BME background.)</p> <p>Data for Grovelands Community Primary School indicates that the percentage of pupils with English as an Additional Language (EAL) is 3.5% (years R-6). This is lower than the East Sussex primary schools overall of 6.5%.</p> <p>As at the January 2018 School Census, 18.7% of Grovelands Community Primary School pupils are Ever6FSM in comparison to 21.4% of all pupils in East Sussex primary schools. Nationally in primary schools the figure is 24.3%. A pupil who is described as 'Ever6FSM' means that within the last 6 years the pupil has at some point been eligible for receiving Free School Meals (FSM).</p>
1.9	Will the proposal have an impact on travel and accessibility?	<p>Although children attending the new facility might be expected to travel from a wider geographical area than the school's usual community area, it is not believed that this will have a significant impact on travel and accessibility as the new facility will cater for up to 8 children at a time, an increase of only 1.2% on the school's current capacity of 630 places.</p>
1.10	Has capital funding been identified and secured to enable the proposals to be implemented?	<p>£40,000 has been identified and secured in the Council's capital programme to enable the proposal to be implemented.</p>
1.11	Have any particular issues or objections been raised during the representation period which could directly affect the proposal?	<p>By the close of the representation period no comments or objections had been received.</p>