



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

WEDNESDAY, 22 JANUARY 2020

12.00 PM IN 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 23 December 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 To approve the DSG Budget for 2020/21 (*Pages 5 - 8*)
Report by the Director of Children's Services
- 5 To approve the ESCC Funding Formula for 2020/21 (*Pages 9 - 12*)
Report by the Director of Children's Services
- 6 Final decision on establishing Special Educational Needs (SEN) facilities at Priory School (*Pages 13 - 40*)
Report by Director of Children's Services
- 7 Final decision on establishing Special Educational Needs (SEN) facilities at Robertsbridge Community College (*Pages 41 - 68*)
Report by Director of Children's Services
- 8 Lowering of age range at Stonegate Church of England Primary School (*Pages 69 - 72*)
Report by Director for Children's Services
- 9 Any urgent items previously notified under agenda item 3

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
LEWES BN7 1UE

14 January 2020

Contact Officer
Aaron Sams
Telephone: 01273 335274
Email: aaron.sams@eastsussex.gov.uk

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 23 December 2019 in the Council Chamber, County Hall, Lewes.

Councillor Bill Bentley spoke on item 4 (see minute 24)

Councillor Sylvia Tidy and Councillor Roy Galley spoke on item 5 (see minute 25)

22 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 4 NOVEMBER 2019

22.1 The Lead Member approved as a correct record the minutes of the meeting held on 4 November 2019.

23 REPORTS

23.1 Copies of the reports referred to below are included in the minute book.

24 PROPOSED CLOSURE OF BROAD OAK COMMUNITY PRIMARY SCHOOL

24.1 The Lead Member considered a report by the Director of Children's Services, together with consultation responses, including those received after the closing date, regarding the outcome of the consultation on the proposed closure of Broad Oak Community Primary School and the recommendation of next steps.

24.2 The Lead Member **RESOLVED** – to approve the publication of a statutory proposal for the closure of Broad Oak Community Primary School on 31 August 2020

Reason

24.3 While recognising the level and nature of objection to the proposal, the case for the closure of Broad Oak continues to be strong. The challenge of the school's deficit budget remains and will be made worse by the reduction in pupil numbers at the school since the consultation was launched. The situation of significant surplus places in the Heathfield area, and at the school in particular, remains. No solutions or actions have been identified in the consultation process to address these critical issues.

25 PROPOSED CLOSURE OF FLETCHING CE PRIMARY SCHOOL

25.1 The Lead Member considered a report by the Director of Children's Services, together with consultation responses, including those received after the closing date, regarding the outcome of the consultation on the proposed closure of Fletching CE Primary School and the recommendation of next steps.

25.2 The Lead Member **RESOLVED** – to halt the consultation on the proposed closure of Fletching CE Primary School and for the school to remain open.

Reason

25.3 The consultation responses overwhelmingly object to the proposed closure; there is a clear strength of feeling that the impact on current pupils and the local community would be significant. Substantial fundraising has been undertaken by the community which largely addresses the school's predicated budget deficit in 2019/20 and 2020/21. Pupil numbers at the school have largely been maintained despite the consultation and governors believe that pupil numbers will begin to increase in the coming years as a result of house building in the area, notably in Uckfield.

25.4 The local authority however, remains of the view that the school continues to be vulnerable and its budget deficit has only been addressed on a short-term basis through one-off funding and therefore concern remains about the lack of any ongoing committed funding to support the school beyond next financial year. The current forecasts for the school do not suggest it will attract many more pupils from out of area than it has in the past and in-area demand for places remains low. Despite these factors, and taking into consideration the improved short term budget position, the Lead Member is recommended to halt the consultation on the closure and the school remain open.

Report to: Lead Member for Education and Inclusion, Special Educational Needs and Disability.

Date of meeting: 22 January 2020

By: Director of Children's Services

Title: Update on the Dedicated Schools Grant Allocation for 2020/21

Purpose: To provide an update on the Dedicated Schools Grant allocation for 2020/21 and the recommendation to Lead Member to approve the DSG Budget for 2020/21.

RECOMMENDATIONS

The Lead member is recommended to approve the Dedicated Schools Grant budget for 2020/21.

1 Background

1.1 The Dedicated Schools Grant (DSG) for 2020/21 is allocated by the Department for Education (DfE) into four blocks. Each block is subject to separate regulations and the use of the four blocks is outlined below.

1.2 **The Schools Block** comprises the funding which must be delegated to schools and academies through a funding formula. Maintained schools can agree to de-delegate budgets and these are spent on their behalf by the local authority. There are a limited number of exceptions which enable local authorities to hold funding centrally, subject to School Forum approval (Growth Fund and Falling Rolls Fund).

1.3 **The Central School Services Block (CSSB)** includes funding that has been allocated to Local Authorities to carry out functions on behalf of pupils in both maintained schools and academies.

There are two distinct blocks:

- Funding for on-going central functions
- Funding for historic commitments

1.4 **The High Needs Block** is funding that is provided to local authorities for the provision in maintained schools, academies, alternative provision, Further Education (FE) colleges and independent providers as well as supporting central spending on pupils with special educational needs and disabilities from their early years to age 24.

1.5 **The Early Years (EY) Block** funds payments to Early Years providers in settings and schools and supports central spending on Early Years pupils.

2 Supporting information

2.1 The Schools block for 2020/21 is based on the October 2019 pupil census data and, including an additional £0.8m from the CSSB (see paragraph 2.3), equates to an allocation of £295.9m.

2.2 Growth and Falling Rolls Fund proposals (funds that can be deducted from the Schools Block) were presented at the November 2019 Schools Forum whereby a request was made for the continuation of support for maintained schools and academies in respect of Key Stage 1 top up, additional classes, pre-opening costs and dis-economies of scale costs for new schools. This request was approved by Schools Forum.

2.3 The DfE allocated £6.9m to the local authority within the CSSB. However, the local authority requested approval, which was granted, from Schools Forum (November 2019) to use £6.1m. The remaining £0.8m has been transferred to the Schools Block for additional distribution to schools and academies within their budget shares.

2.4 The total High Needs Block funding is calculated by the DfE and for 2020/21 is £59.2m.

2.5 The 2020/21 EY block funding (excluding funding for two year olds) is £22.3m and is based on the January 2019 census data. This allocation includes £229k indicative pupil premium funding and the indicative Disability Access Fund allocation of £107k.

2.6 The two year old allocation of £3.9m is an initial allocation based on the January 2019 census.

2.7 The entitlement for 2, 3 and 4 year olds will be revised in July 2020 based on the January 2020 census.

2.8 Appendix 1 provides a summary of the DSG that has been allocated to the Local Authority for 2020/21.

3. Conclusion and reasons for recommendations

3.1 The Lead Member is recommended to approve the allocation of the DSG budget for 2020/21.

STUART GALLIMORE

Director of Children's Services

Contact Officer: Ed Beale, Schools Funding Manager

Tel. No. 01273 337984

Email: edward.beale@eastsussex.gov.uk

Appendix 1

DSG Summary 2020/21	Schools	Central School Services	High Needs	Early Years	Total
Total DSG including Academies	£295,071,000	£6,947,800	£59,176,400	£22,287,100	£383,482,300
Indicative 2 Year Old Funding				£3,885,900	£3,885,900
Transfer	£797,200	-£797,200	£0	£0	£0
Total Funding Available	£295,868,200	£6,150,600	£59,176,400	£26,173,000	£387,368,200

Agenda Item 5

Report to: Lead Member for Education and Inclusion, Special Educational Needs and Disability.

Date of meeting: 22 January 2020

By: Director of Children's Services

Title: Update on the ESCC School Funding Formula for 2020/21

Purpose: To provide an update on the ESCC Funding Formula consultation that took place with schools and academies and the recommendation to Lead Member to approve the proposals for 2020/21.

RECOMMENDATION:

The Lead member is recommended to approve the proposals in relation to the ESCC School Funding Formula for 2020/21

1) Primary Phase Proposal:

Minimum Funding Guarantee (MFG) at 101.84% and decrease the lump sum by £5,000 to £115,000.

2) Secondary Phase Proposal:

Minimum Funding Guarantee (MFG) at 101.84%.

1. Background

1.1 Since May 2019, the Funding Formula Working Group (FFWG), a sub group of the East Sussex Schools Forum, have been reviewing the ESCC School Funding Formula in preparation for 2020/21. Following the principles that had been set out of working towards the National Funding Formula (NFF) rates, a number of proposals were reviewed to:

- offer maximum support and benefit to the pupils in East Sussex Schools / Academies.
- avoid any undue turbulence to schools and academies.

1.2 In September 2019, proposals were brought to Schools Forum for discussion. A summary of this proposal is shown below:

- Reduce the Primary lump sum by £5,000 from the current rate of £120,000 to a revised rate of £115,000;
- Increase the Minimum Per Pupil level in both phases;
- Set the MFG rate at 98.8%.

1.3 It had been planned to consult schools and academies on this proposal, but in October 2019, prior to issuing the consultation, additional guidance was issued by the Department for Education DfE for 2020/21 which included:

- Stating that the Minimum Per Pupil rates must be £3,750 and £5,000 for the Primary and Secondary phase respectively;
- The MFG rate must be between 0.5% and 1.84%;
- There would be a 4% uplift in the unit rates for the pupil-based factors (excluding

- the FSM factor which is a 1.84% increase); and
- There would be a 4% uplift for the lump sum, increasing the NFF amount to £114,400 for both phases.

1.4 With this additional guidance provided by the DfE, further discussions took place with the FFWG and revised proposals were subsequently issued to schools and academies for consultation. These revised proposals are shown below:

Primary Phase Proposal:

Lump Sum value to remain at £120,000 and set the Minimum Funding Guarantee (MFG) rate at 100.5% (Option 1)

Or

Reduce the lump sum value by £5,000 to £115,000 and set the MFG rate at 101.84% (Option 2)

Secondary Phase Proposal:

Set the MFG rate at 100.5% (Option 1)

Or

Set the MFG rate at 101.84% (Option 2)

1.5 The consultation documents were sent to all schools and academies (176), with the consultation beginning on 18th October 2019 and running until 8th November 2019

1.6 Out of the 176 schools that were sent the consultation documents, 69 (39%) replied. This compared to a 38% response rate for last year's consultation.

1.7 A summary of the results that were received from schools is shown below (by phase) and shows an overall consensus across both phases for Option 2.

Primary Phase:

Number of establishments that said 'Option 1'	6
Number of establishments that said 'Option 2'	54

Secondary Phase:

Number of establishments that said 'Option 1'	0
Number of establishments that said 'Option 2'	9

1.8 The outcome of the consultation was brought to the November 2019 Schools Forum.

2 Other Considerations

2.1 **Implementing option 1** would mean that the lump sum, which smaller schools tend to rely on more than larger schools, would be higher than the NFF rate. All schools/ academies would also still receive an increase in the amount per pupil for 2020/21 (Minimum 0.5% per pupil).

2.2 However, this option would mean that some schools/ academies, due to receive greater gains under the NFF, would not necessarily receive them in 2020/21. This is because more funds would be diverted to the lump sum "pot" that would otherwise be used to support increases in budgets elsewhere.

2.3 **Implementing option 2** would mean that the Local Authority continues to more closely follow the FFWG principles that have been in place for a number of years, of working towards the NFF.

2.4 The lump sum value would be lower than option 1, but there would be a higher Minimum Funding Guarantee % rate (Minimum increase of 1.84% per pupil from 2019/20 baseline levels).

2.5 Whilst both options ensure all schools/ academies would receive an increase in the budget share (assuming no change to pupil numbers), option 2 would see 92% of schools/ academies receiving an increase in their budget of at least 3% from their 2019/20 baseline budget, compared to 68% of schools in option 1.

2.6 The below table is a summary showing the difference in the number of schools/ academies receiving the different % increases for each option.

% Change from 2019/20 baseline	Number of schools / academies gaining	
	Option 1	Option 2
1.0% to 2.0% increase	6	0
2.1% to 3.0% increase	50	14
3.1% to 4.0% increase	42	89
4.1% to 5.0% increase	20	17
5.1% to 6.0% increase	13	17
6.1% to 7.0% increase	19	16
7.1% to 8.0% increase	16	13
8.1%+ increase	10	10
Total	176	176

3. Conclusion and reasons for recommendations

3.1 Given the outcomes of the consultation, the Lead Member is recommended approve the proposals that have been put forward in relation to the ESCC schools funding formula for 2020/21: Option 2 for both Primary and Secondary phases.

STUART GALLIMORE
Director of Children's Services

Contact Officer: Ed Beale, Schools Funding Manager
Telephone Number: 01273 337984
Email: edward.beale@eastsussex.gov.uk

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Report to: **Lead Member for Education and Inclusion, Special Educational Needs and Disability**

Date: **22 January 2020**

By: **Director of Children's Services**

Title of report: **Proposed SEN facility at Priory School**

Purpose of report: **To seek Lead Member approval to establish a Special Educational Needs (SEN) specialist facility at Priory School.**

RECOMMENDATION:

The Lead Member is recommended to:

Authorise the establishment of a SEN specialist facility for up to 12 pupils at Priory School with effect from 1 September 2020, conditional upon planning permission for the enlargement of the premises being granted under Part 3 of the Town and Country Planning Act 1990.

1. Background and consultation

1.1 On 4 November 2019 the Lead Member for Education and Inclusion, Special Educational Needs and Disability (the Lead Member) considered a report on the proposed establishment of a Special Educational Needs (SEN) specialist facility at Priory School. 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 principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism) in the west of the county.

1.2 There are already a number of specialist facilities for primary age pupils in the west of the county. Developing new secondary facilities in the area would allow progression for pupils and continuity of support to aid the transition of pupils from primary specialist facilities for whom a secondary facility is the most appropriate next stage. This will assist in reducing the increasing trend of transition from mainstream primary school to special secondary schools. Providing early intervention at the start of their secondary phase through a facility place will address needs and enable pupil's integration into the mainstream school.

1.3 For these reasons, the Lead Member approved the publication of a statutory proposal for the establishment of a SEN specialist facility at Priory School on 1 September 2020. The Lead Member report and minutes from 4 November 2019 can be viewed on the County Council website by following the link under 'background documents' below.

2. Statutory proposal

2.1 In accordance with the prescribed process established by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 a statutory proposal was published on the local authority's website on 22 November 2019. A notice was published in the Sussex Express newspaper and posted at the entrances to the school to direct interested parties to the proposal on the website. The proposal was also sent to the governing board of the school.

2.2 Publication of the statutory proposal was followed by a 4-week representation period, when comments or objections could be made to the local authority. The representation period closed at midnight on 19 December 2019. By the close of the representation period no comments or objections had been received.

3. Accommodation

3.1 The local authority, working with Priory School, has identified an area of the school site on which the new facility could be built and funding is secure in the local authority's approved capital programme to implement the proposal. Planning permission would be required under Part 3 of the Town and Country Planning Act 1990 to enlarge the premises.

4. Equality Impact Assessment

4.1 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**.

5. Conclusion and reasons for recommendations

5.1 In conclusion the local authority has identified a gap in specialist provision in mainstream primary schools for pupils with a principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism) in the west of the county. The local authority would like to establish a specialist facility for up to 12 pupils at Priory School from 1 September 2020 to address this need, conditional upon planning permission for the enlargement of the premises being granted under Part 3 of the Town and Country Planning Act 1990.

5.2 The majority of respondents to the consultation supported the proposal to establish a SEN specialist facility at the school.

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

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

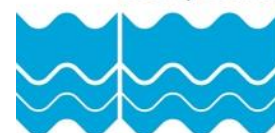
Contact Officer: Gary Langford, Place Planning Manager
Telephone No. 01273 481758
Email: gary.langford@eastsussex.gov.uk

LOCAL MEMBERS Councillor Ruth O'Keeffe

BACKGROUND DOCUMENTS <https://democracy.eastsussex.gov.uk/ieListDocuments.aspx?CId=456&MId=4032&Ver=4>

APPENDICES Appendix 1 – Equality Impact Assessment Appendix 2 – Factors to be considered by the decision maker

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Appendix 1

Equality Impact Assessment

Name of the proposal, project or service
Proposed Special Educational Needs (SEN) facility at Priory School

File ref:	Priory School	Issue No:	1.0
Date of Issue:	December 2019	Review date:	

Contents

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Part 1 – The Public Sector Equality Duty and Equality Impact Assessments

1.1 The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An Equality Impact Assessment (EqIA) 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 PSED 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 21st Century Families and Communities, 2008]
- Literacy/Numeracy Skills
- 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.

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

1.7.1 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.

1.7.2 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.

1.7.3 *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.
- 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)

1.7.4 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 Priory School.

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

The proposal is to establish SEN provision in a designated specialist facility on the site of Priory School. It is proposed that the specialist facility would principally be for pupils identified by the local authority with an Education Health Care plan (EHCP) naming a principal of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism).

Following a review of SEN provision in the county East Sussex County Council (the local authority) concluded that there is a gap in specialist provision in mainstream secondary schools for pupils with a principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism) in the west of the county. The local authority would like to establish a facility for up to 12 pupils at Priory School to meet this demand.

c) 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?

It is proposed that the specialist facility would principally be for Key Stage 3 and 4 pupils identified by the local authority with an Education Health Care Plan (EHCP) naming a principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism).

There are already a number of specialist facilities for primary age pupils in the west of the county. Developing new secondary facilities in the area would allow progression for pupils and continuity of support to aid the transition of pupils from primary specialist facilities for whom a secondary facility is the most appropriate next stage. This will assist in reducing the increasing trend of transition from mainstream primary school to special secondary schools.

Pupils within the facility would be on the roll of the school and would be in addition to the published admission number. Placements are determined by the local authority 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 local authority to ensure the sufficient supply of school places in its area. The local authority, working with Priory School, has identified an area of the school site on which new accommodation could be built. The local authority would fund the building work from its approved capital programme. All building works would be constructed to current design standards to ensure long term value for money.

The school would have a designated base to provide capacity for additional numbers of pupils with higher levels of need. 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.

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 local authority 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.

Background documents:

The [School Organisation Plan 2019-2023](#) and the [SEND Strategy 2019-2021](#) available on the local authority's website.

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

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

The local authority consulted with key stakeholders and interested parties between 20 September and 11 October 2019 on the proposal. The [consultation document](#) was made available on the local authority's website. The local authority used social media to inform the local community of the consultation. Details of the consultation were also communicated by the school to its school community.

On 4 November 2019, the Lead Member for Education and Inclusion, Special Needs and Disability approved the publication of a statutory proposal. A notice was published in the Sussex Express on 22 November 2019 and at the entrances to the school to direct interested parties to the proposal on the local authority's website. This triggered a four week period of representation during which further comments or objections could be made. The Lead Member will consider any responses received during this time before making a final decision on whether to approve the new facility conditional upon planning permission for the enlargement of the premises being granted under Part 3 of the Town and Country Planning Act 1990.

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 a special educational needs facility for identified pupils with an EHCP with a principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism).

The amount of time each pupil spends with their mainstream peers for lessons and recreation would depend on the needs of the individual. Some pupils would need to be taught individually or in small groups for parts of the school day but may be able to access some of the curriculum with their peers. Arrangements would need to be flexible to reflect educational needs and social needs, anxiety levels and personal circumstances. Professionals and the pupil's parent/carer would be involved in bespoke planning of a graduated programme to increase resilience and prepare for increased further independence.

Pupils in the facility would have their special educational needs reviewed regularly in discussion with parents/carers and professionals to ensure that the facility remains the most appropriate placement to meet these needs.

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

The proposal is planned to be implemented on 1 September 2020.

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 X marked against them			
	Employee Monitoring Data		Staff Surveys
	Service User Data		Contract/Supplier Monitoring Data
x	Recent Local Consultations	x	Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
	Service User Surveys		Research Findings
x	Census Data	x	East Sussex Demographics
x	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?

There was a positive response to the consultation with 89.5% of respondents in favour of the proposal and recognise the need for specialist provision for pupils with SEN in the local area. The main reason given for not supporting the proposal were concerns about the impact of the new SEN cohort on the education being provided to existing pupils.

The proposal would have a positive impact for the wider local community as it would enhance existing provision and ensure that the local authority'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?

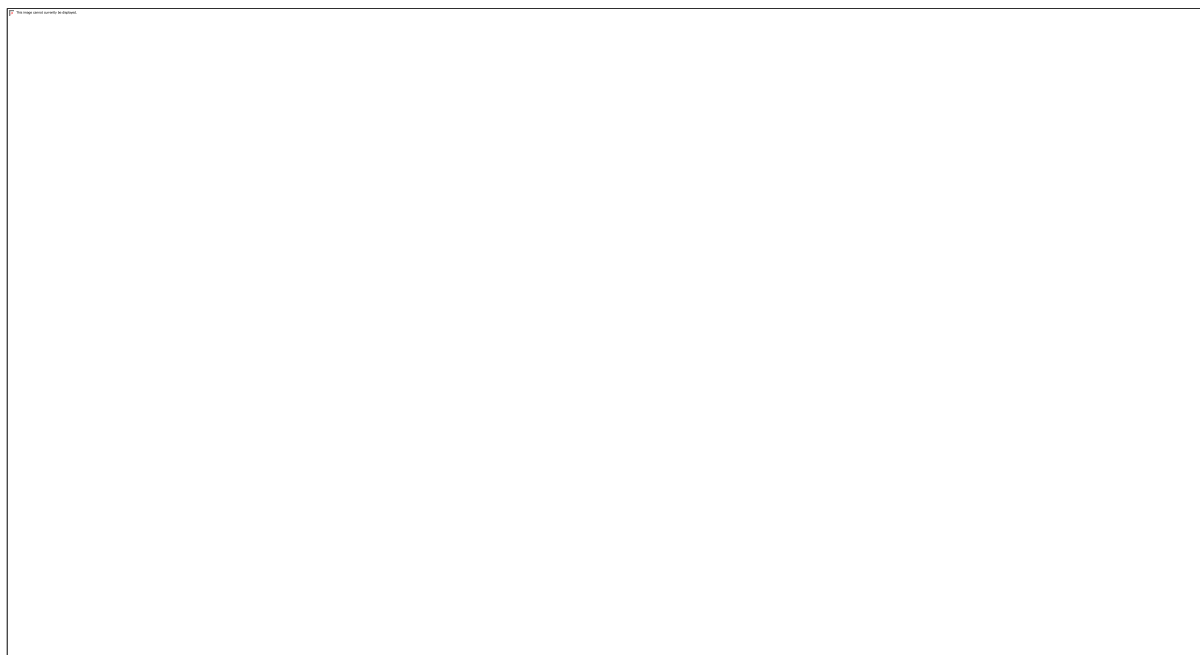
Priory School is in Lewes District. In 2018, there were estimated to be 5,903 children and young people aged 11-15 in Lewes District.

Source: ONS, mid-year estimates released June 2018

As at 10 October 2019 (Synergy), around 30.9% of the 3,520 young people with EHCPs maintained by East Sussex were educated in maintained special schools / special academies with around a further 5.9% in independent and non-maintained special schools

Source: ISEND benchmarking data as at 10 October 2019

The local authority's SEND forecasting model predicts future numbers of children with statements/EHCPs for Special Education Needs and Disability (SEND) and numbers in maintained and independent non-maintained special schools. The graph below forecasts that, if recent trends continue more or less as they are, the total number of school aged children and young people (aged 4-18) in East Sussex with EHCPs will rise considerably in the period up to 2030/31. The need with the highest number of children being forecast is autistic spectrum disorder which this facility would help address.



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

As above.

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?

The proposal would predominantly affect children of secondary school age in the wider local community.

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

The proposal would have a positive impact on children and young people with an EHCP naming a principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism) at secondary age.

Developing a secondary facility in close proximity to the existing primary school facilities 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.

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

The local authority does not believe any actions are necessary in relation to this proposal.

f) Provide details of the mitigation.

N/A

g) How will any mitigation measures be monitored?

N/A

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

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

Disability projections published on ESiF in May 2019 put the total number of people with a disability in East Sussex at 101,101 and in Lewes District at 18,090.

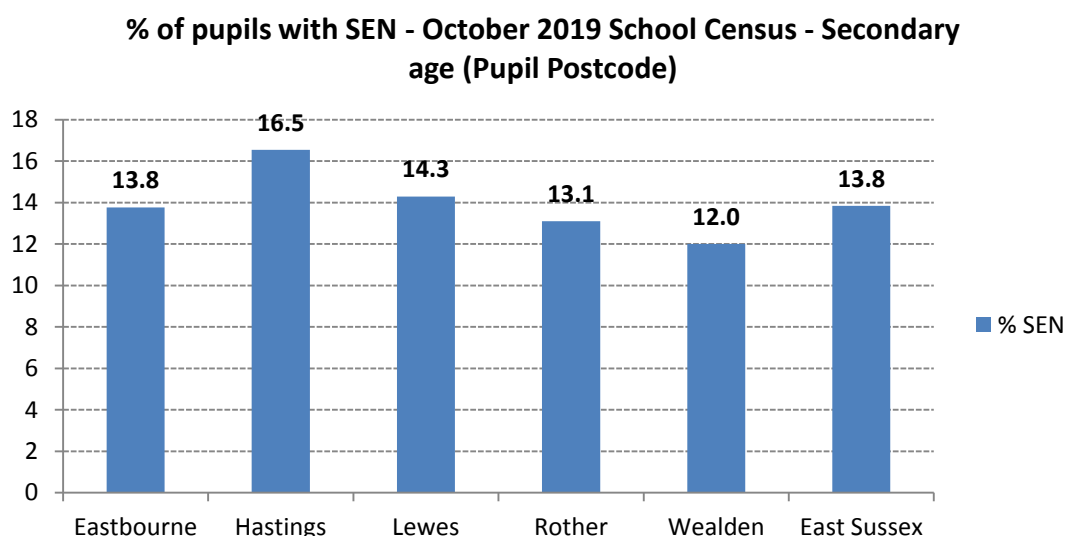
Dataset: Disability projections (dwelling-led), 2017-2032 - districts

ESCC Projections May 2019

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

Year	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Geography																
East Sussex	98,608	99,800	101,101	102,766	104,874	107,010	109,158	111,194	113,369	115,459	117,684	120,015	122,422	124,788	127,219	130,210
Eastbourne	19,414	19,588	19,802	20,053	20,388	20,708	21,058	21,370	21,683	22,001	22,352	22,711	23,104	23,485	23,892	24,396
Hastings	17,419	17,601	17,800	18,030	18,310	18,580	18,878	19,136	19,403	19,665	19,957	20,256	20,582	20,911	21,224	21,594
Lewes	17,578	17,852	18,090	18,402	18,770	19,158	19,559	19,923	20,285	20,596	20,932	21,312	21,683	22,050	22,454	22,968
Rother	18,904	19,083	19,297	19,595	20,006	20,372	20,690	21,024	21,453	21,886	22,318	22,815	23,260	23,687	24,140	24,721
Wealden	25,293	25,676	26,112	26,686	27,400	28,193	28,973	29,741	30,546	31,311	32,124	32,920	33,793	34,654	35,508	36,531

At the October 2019 school census there were 9,093 pupils, 13.8% recorded as having SEN being educated in state funded schools in East Sussex (of which 137 reside outside of East Sussex). The number in Lewes District was 1,714, or 13.7% (659, 12.6% in secondary) of the district's state funded school age population.



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

The October 2019 School Census data for Priory School shows that the percentage of SEN pupils at the school is 8.1% (92 out of 1,136). This is lower than for East Sussex as a whole and for other Lewes schools.

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?

The proposal would predominantly affect children and young people of secondary 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 would have a positive impact on children and young people with an EHCP naming a principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism).

Developing a secondary facility in close proximity to the existing primary school facilities 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.

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

The local authority does 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

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

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

Ethnicity

85.2% of pupils in East Sussex (85.8% in secondary, including all-through, schools), according to the January 2019 school census, are of White British Heritage (WBRI). 13.5% of pupils in East Sussex are Black and Minority Ethnic (BME) (12.4% in secondary, including all-through, schools).

In Lewes District 86.9% of pupils are WBRI (87.3% in secondary, including all-through, schools); 11.8% are BME (10.8% in secondary, including all-through, schools).

English as an Additional Language (EAL)

The proportion of pupils with EAL in East Sussex schools according to the October 2019 school census is 6.1% (5% in secondary, including all-through, schools). In Lewes District the figure is 4.3% (3.4% in secondary, including all-through, schools).

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

Ethnicity

81.7% of pupils, who attend Priory School according to the January 2019 school census, are WBRI, 15.7% are BME. The proportion of pupils who are BME attending Priory School is higher than the East Sussex secondary schools overall of 12.4%.

EAL

Data for Priory School indicates that the percentage of pupils with English as an Additional Language (EAL) is 2.6% (years 7-11). This is lower than the East Sussex secondary schools (including all-through) overall of 5.5%.

BME pupils are slightly over-represented at Priory School in comparison with the county wide and district level percentages. The new facility would cater for all pupils, no matter their ethnicity, and would therefore have a positive impact on all pupils.

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?

The local authority does not believe that people with the protected characteristic would 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 local authority does not believe there would be an impact on those who are from different ethnic backgrounds.

e) 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 its policies.

f) Provide details of any mitigation.

N/A

g) 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?

In Lewes District, according to the October 2019 School Census, 52.2% of pupils attending schools in East Sussex are male (52% in secondary, including all-through, schools); 47.8% are female (48% in secondary, including all-through, schools). This compares to the East Sussex figures of male 51.4% (51% in secondary, including all-through, schools) and female 48.6% (49% in secondary, including all-through, schools).

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

The percentage of pupils attending the school at the October 2019 School Census who are male is 52.3% and female 47.7%.

The proportion of males and females attending the school is close to the overall East Sussex profile. Males and females attending the school would be educated together and it is not considered that this would have a significant impact even if the proportion remains the same after implementation of 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?

The local authority does not believe that people with the protected characteristic would 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?

The local authority does not believe there would be an impact on different genders.

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

N/A

f) Provide details of any mitigation.

N/A

g) How will any mitigation measures be monitored?

N/A

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?

The local authority does not consider marital status/civic partnership characteristics to be relevant to the proposal.

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 people who are married or same sex couples who have celebrated a civil partnership?

N/A

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

N/A

f) Provide details of any mitigation.

N/A

g) How will any mitigation measures be monitored?

N/A

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?

The local authority does not consider pregnancy and maternity characteristics to be relevant to the proposal.

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 people who are married or same sex couples who have celebrated a civil partnership?

N/A

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

N/A

f) Provide details of the mitigation

N/a

g) How will any mitigation measures be monitored?

N/A

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

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

The school does not have a particular religious ethos. 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?

The local authority does 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?

The local authority does not consider sexual orientation characteristics to be relevant to the proposal.

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 people who are married or same sex couples who have celebrated a civil partnership?

N/A

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

N/A

f) Provide details of the mitigation

N/A

g) How will any mitigation measures be monitored?

N/A

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 2019 School Census 23.1% of pupils in East Sussex schools were Ever6FSM (24.3% in secondary, including all-through, schools). In Lewes the figure was 19.8% (21.9% in secondary, including all-through schools). Nationally in secondary schools the figure is 27.8%. 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?

The January 2019 School Census data for Priory School showed that 16.9% of pupils are Ever6FSM. This indicates that there is an under representation of Ever6FSM pupils at Priory School. The local authority does not believe they would 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?

The local authority does not believe any actions are necessary in relation to this proposal.

f) Provide details of the mitigation

N/A

g) How will any mitigation measures be monitored?

N/A

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

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	A No major change – 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>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>The East Sussex model expects that the expertise of staff within the facility provides 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 secondary facility in close proximity to existing primary school facilities 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.</p> <p>Although there is an over-representation of BME pupils in the school in comparison with the East Sussex average for secondary schools. the new facility would cater for all pupils, no matter their ethnicity, and would therefore have a positive impact on all pupils.</p>
	B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	
	C Continue the policy/strategy - 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	
	D Stop and remove the policy/strategy – 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.	

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 would 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?

Date completed:	December 2019	Signed by (person completing)	<i>Gary Langford</i>
		Role of person completing	Place Planning Manager
Date:	December 2019	Signed by (Manager)	<i>Fiona Wright</i> <i>Assistant Director Education and Inclusion, Special Educational Needs and Disability</i>

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 37	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)

Appendix 2: 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 SEN provision at Priory 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?	Consultation was carried out between 20 September and 11 October 2019. 89.5% of respondents to the consultation supported the proposal.
1.4	Did the published notice comply with statutory requirements?	The notice complied with statutory requirements as set out in 2.1 of 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 principal 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. A facility provides access to a base within the school for more intensive support when required. The East Sussex model 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 school and would be in addition to the published admission number. Placements are determined by the local authority 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>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> <p>An Equality Impact Assessment (EqIA) has been undertaken to identify any risks and appropriate mitigations. No equality implications have been identified in the report. The EqIA is appended to this report.</p>
1.8	Will the proposal have an impact on community cohesion?	Developing new secondary facilities in the area would allow progression for pupils and continuity of support to aid the transition of pupils from primary specialist facilities for whom a secondary facility is the most appropriate next stage. This will assist in reducing the increasing trend of transition from mainstream primary school to special secondary schools. Providing early intervention at the start of their secondary phase through a facility place will address needs and enable pupil's integration into the mainstream school.
1.9	Will the proposal have an impact on travel and accessibility?	Although pupils 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 12 pupils at a time, an

		increase of only 1% on the school's current capacity of 1,160 places.
1.10	Has capital funding been identified and secured to enable the proposals to be implemented?	Funding has been secured in the local authority's capital programme to enable the proposal to be implemented.
1.11	Have any particular issues or objections been raised during the representation period which could directly affect the proposal?	By the close of the representation period no comments or objections had been received.

Report to: **Lead Member for Education and Inclusion, Special Educational Needs and Disability**

Date: **22 January 2020**

By: **Director of Children's Services**

Title of report: **Proposed SEN facility at Robertsbridge Community College**

Purpose of report: **To seek Lead Member approval to establish a Special Educational Needs (SEN) specialist facility at Robertsbridge Community College.**

RECOMMENDATION:

The Lead Member is recommended to:

Authorise the establishment of a SEN specialist facility for up to 12 pupils at Robertsbridge Community College with effect from 1 September 2020, conditional upon planning permission for the enlargement of the premises being granted under Part 3 of the Town and Country Planning Act 1990.

1. Background and consultation

1.1 On 4 November 2019 the Lead Member for Education and Inclusion, Special Educational Needs and Disability (the Lead Member) considered a report on the proposed establishment of a Special Educational Needs (SEN) specialist facility at Robertsbridge Community College. 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 principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism) in the east of the county.

1.2 There are already a number of specialist facilities for primary age pupils in the east of the county. Developing new secondary facilities in the area would allow progression for pupils and continuity of support to aid the transition of pupils from primary specialist facilities for whom a secondary facility is the most appropriate next stage. This will assist in reducing the increasing trend of transition from mainstream primary school to special secondary schools. Providing early intervention at the start of their secondary phase through a facility place will address needs and enable pupil's integration into the mainstream school.

1.3 For these reasons, the Lead Member approved the publication of a statutory proposal for the establishment of a SEN specialist facility at Robertsbridge Community College on 1 September 2020. The Lead Member report and minutes from 4 November 2019 can be viewed by following the link under 'background documents' below.

2. Statutory proposal

2.1 In accordance with the prescribed process established by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 a statutory proposal was published on the local authority's website on 22 November 2019. A notice was published in the Hastings Observer Group of newspapers and posted at the entrances to the school to direct interested parties to the proposal on the website. The proposal was also sent to the governing board of the school.

2.2 Publication of the statutory proposal was followed by a 4-week representation period, when comments or objections could be made to the local authority. The representation period closed at midnight on 19 December 2019. By the close of the representation period no comments or objections had been received.

3. Accommodation

3.1 The local authority, working with Robertsbridge Community College, has identified an area of the school site on which the new facility could be built and funding is secure in the local authority's approved capital programme to implement the proposal. Planning permission would be required under Part 3 of the Town and Country Planning Act 1990 to enlarge the premises.

4. Equality Impact Assessment

4.1 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**.

5. Conclusion and reasons for recommendations

5.1 In conclusion the local authority has identified a gap in specialist provision in mainstream primary schools for pupils with a principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism) in the east of the county. The local authority would like to establish a specialist facility for up to 12 pupils at Robertsbridge Community College from 1 September 2020 to address this need, conditional upon planning permission for the enlargement of the premises being granted under Part 3 of the Town and Country Planning Act 1990.

5.2 The majority of respondents to the consultation supported the proposal to establish a SEN specialist facility at the school.

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

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

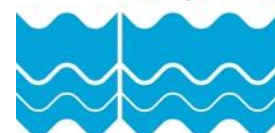
Contact Officer: Gary Langford, Place Planning Manager
Telephone No. 01273 481758
Email: gary.langford@eastsussex.gov.uk

LOCAL MEMBERS Councillor Angharad Davies

BACKGROUND DOCUMENTS <https://democracy.eastsussex.gov.uk/ieListDocuments.aspx?CId=456&MId=4032&Ver=4>

APPENDICES Appendix 1 – Equality Impact Assessment Appendix 2 – Factors to be considered by the decision maker

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Equality Impact Assessment

Name of the proposal, project or service
Proposed Special Educational Needs (SEN) facility at Robertsbridge Community College

File ref:	Robertsbridge Community College	Issue No:	1.0
Date of Issue:	December 2019	Review date:	

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Part 1 – The Public Sector Equality Duty and Equality Impact Assessments

1.1 The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An Equality Impact Assessment (EqIA) 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 PSED 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
- 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.

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

1.7.1 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.

1.7.2 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.

1.7.3 *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.
- 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)

1.7.4 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 Robertsbridge Community College (RCC)

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

The proposal is to establish SEN provision in a designated specialist facility on the site of RCC. It is proposed that the specialist facility would principally be for pupils identified by the local authority with an Education Health Care Plan (EHCP) naming a principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism).

Following a review of SEN provision in the county East Sussex County Council (the local authority) concluded that there is a gap in specialist provision in mainstream secondary schools for pupils with a principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism) in the east of the county. The local authority would like to establish a facility for up to 12 pupils at RCC to meet this demand.

c) 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?

It is proposed that the specialist facility would principally be for Key Stage 3 and 4 pupils identified by the local authority with an Education Health Care Plan (EHCP) naming a principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism).

There are already a number of specialist facilities for primary age pupils in the east of the county. Developing new secondary facilities in the area would allow progression for pupils and continuity of support to aid the transition of pupils from primary specialist facilities 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.

Pupils within the facility would be on the roll of RCC and would be in addition to the published admission number. Placements are determined by the local authority 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 local authority to ensure the sufficient supply of school places in its area. The local authority, working with RCC, has identified an area of the school site on which new accommodation could be built. The local authority would fund the building work from its approved capital programme. All building works would be constructed to current design standards to ensure long term value for money.

The school would have a designated base to provide capacity for additional numbers of pupils with higher levels of need. 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.

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 local authority 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.

Background documents:

The [School Organisation Plan 2019-2023](#) and the [SEND Strategy 2019-2021](#) available on the local authority's website.

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

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

The local authority consulted with key stakeholders and interested parties between 20 September and 11 October 2019 on the proposal. The [consultation document](#) was made available on the local authority's website. The local authority used social media to inform the local community of the consultation. Details of the consultation were also communicated by the school to its school community.

On 4 November 2019, the Lead Member for Education and Inclusion, Special Needs and Disability approved the publication of a statutory proposal. A notice was published in the Hastings Observer Group on 22 November 2019 and at the entrances to the school to direct interested parties to the proposal on the local authority's website. This triggered a four week period of representation during which further comments or objections could be made. The Lead Member will consider any responses received during this time before making a final decision on whether to approve the new facility, conditional upon planning permission for the enlargement of the premises being granted under Part 3 of the Town and Country Planning Act 1990.

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 a special educational needs facility for identified pupils with an EHCP with a principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism).

The amount of time each pupil spends with their mainstream peers for lessons and recreation would depend on the needs of the individual. Some pupils would need to be taught individually or in small groups for parts of the school day but may be able to access some of the curriculum with their peers. Arrangements would need to be flexible to reflect educational needs and social needs, anxiety levels and personal circumstances. Professionals and the pupil's parent/carer would be involved in bespoke planning of a graduated programme to increase resilience and prepare for increased further independence.

Pupils in the facility would have their special educational needs reviewed regularly in discussion with parents/carers and professionals to ensure that the facility remains the most appropriate placement to meet these needs.

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

The proposal is planned to be implemented on 1 September 2020.

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 X marked against them			
	Employee Monitoring Data		Staff Surveys
	Service User Data		Contract/Supplier Monitoring Data
x	Recent Local Consultations	x	Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
	Service User Surveys		Research Findings
x	Census Data	x	East Sussex Demographics
x	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?

There was a positive response to the consultation with 83% of respondents were in favour of the proposal and recognised the need for specialist provision for pupils with SEN in the local area. The main reason given for not supporting the proposal were concerns about the impact of the new SEN cohort on the education being provided to existing pupils.

The proposal would have a positive impact for the wider local community as it would enhance existing provision and ensure that the local authority'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?

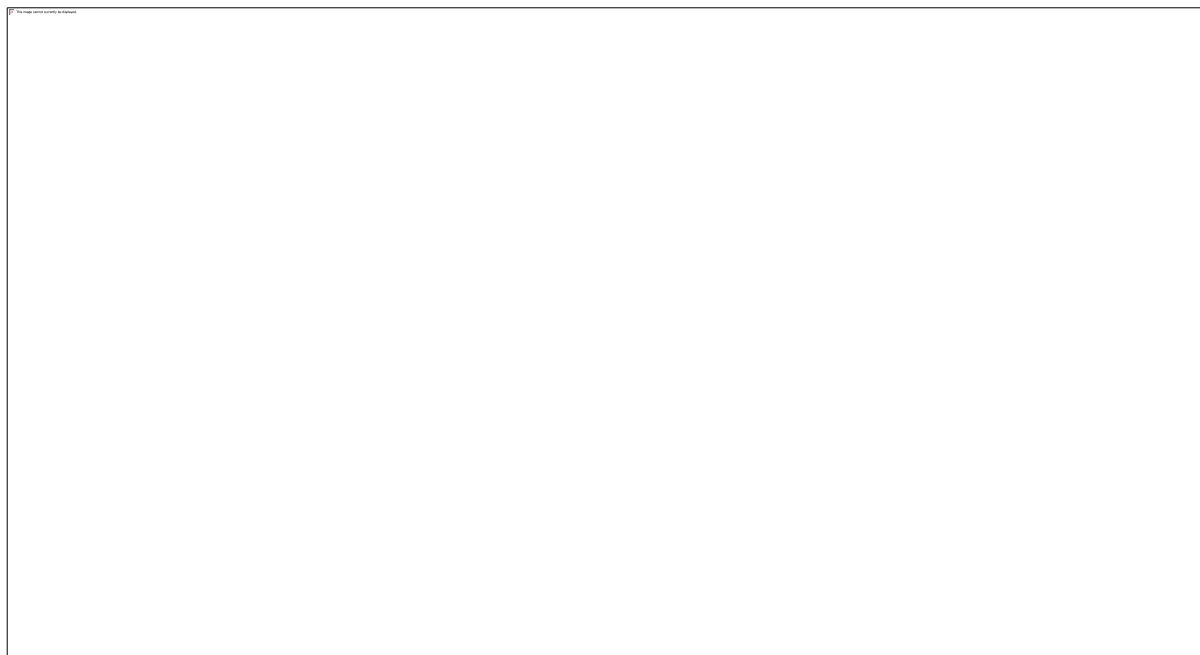
RCC is in Rother District. In 2018, there were estimated to be 4,654 children and young people aged 11-15 in Rother District.

Source: ONS, mid-year estimates released June 2018

As at 10 October 2019 (Synergy), around 30.9% of the 3,520 young people with EHCPs maintained by East Sussex were educated in maintained special schools / special academies with around a further 5.9% in independent and non-maintained special schools

Source: ISEND benchmarking data as at 10 October 2019

The local authority's SEND forecasting model predicts future numbers of children with statements/EHCPs for Special Education Needs and Disability (SEND) and numbers in maintained and independent non-maintained special schools. The graph below forecasts that, if recent trends continue more or less as they are, the total number of school aged children and young people (aged 4-18) in East Sussex with EHCPs will rise considerably in the period up to 2030/31. The need with the highest number of children being forecast is autistic spectrum disorder which this facility would help address.



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

As above.

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?

The proposal would predominantly affect children of secondary school age in the wider local community.

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

The proposal would have a positive impact on children and young people with an EHCP naming a principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism) at secondary age.

Developing a secondary facility in close proximity to the existing primary school facilities 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.

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

The local authority does not believe any actions are necessary in relation to this proposal.

f) Provide details of the mitigation.

N/A

g) How will any mitigation measures be monitored?

N/A

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

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

Disability projections published on ESiF in May 2019 put the total number of people with a disability in East Sussex at 101,101 and in Rother District at 19,297.

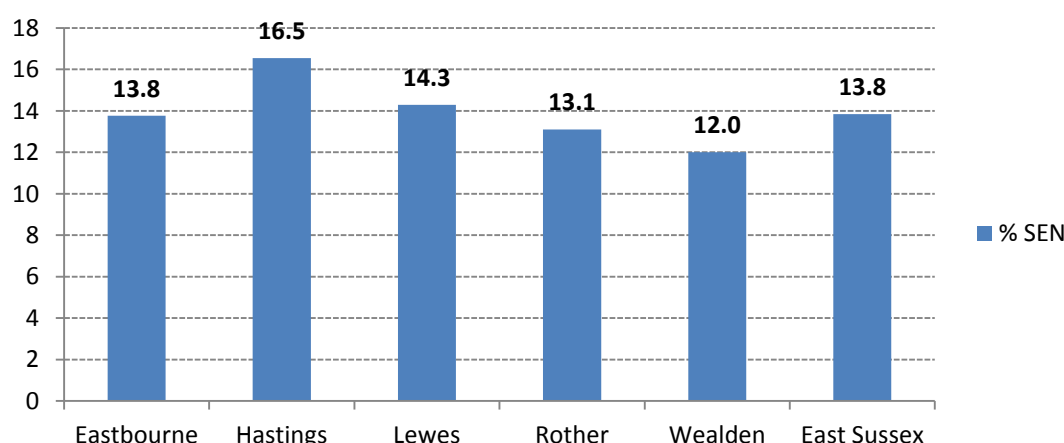
Dataset: Disability projections (dwelling-led), 2017-2032 - districts

ESCC Projections May 2019

Geography: Mixed		Year		Age group: All ages		Category: Overall disability		Measure: Number of people with disability								
Year	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Geography																
East Sussex	98,608	99,800	101,101	102,766	104,874	107,010	109,158	111,194	113,369	115,459	117,684	120,015	122,422	124,788	127,219	130,210
Eastbourne	19,414	19,588	19,802	20,053	20,388	20,708	21,058	21,370	21,683	22,001	22,352	22,711	23,104	23,485	23,892	24,396
Hastings	17,419	17,601	17,800	18,030	18,310	18,580	18,878	19,136	19,403	19,665	19,957	20,256	20,582	20,911	21,224	21,594
Lewes	17,578	17,852	18,090	18,402	18,770	19,158	19,559	19,923	20,285	20,596	20,932	21,312	21,683	22,050	22,454	22,968
Rother	18,904	19,083	19,297	19,595	20,006	20,372	20,690	21,024	21,453	21,886	22,318	22,815	23,260	23,687	24,140	24,721
Wealden	25,293	25,676	26,112	26,686	27,400	28,193	28,973	29,741	30,546	31,311	32,124	32,920	33,793	34,654	35,508	36,531

At the October 2019 school census there were 9,093 pupils, 13.8% recorded as having SEN being educated in state funded schools in East Sussex (of which 137 reside outside of East Sussex). The number in Rother was 1,355, or 12.0% (502, 10.5% in secondary) of the district's state funded school age population.

% of pupils with SEN - October 2019 School Census - Secondary age (Pupil Postcode)



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

The October 2019 School Census data for RCC shows that the percentage of SEN pupils at the school is 7% (50 out of 719). This is lower than for East Sussex as a whole and for other Rother schools.

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?

The proposal would predominantly affect children and young people of secondary 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 would have a positive impact on children and young people with an EHCP naming a principal need of specific learning difficulties, with associated special educational needs (e.g. anxiety and high functioning autism).

Developing a secondary facility in close proximity to the existing primary school facilities 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.

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

The local authority does not believe any actions are necessary in relation to this proposal.

f) Provide details of the mitigation.

N/A

g) How will any mitigation measures be monitored?

N/A

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

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

Ethnicity

85.2% of pupils in East Sussex (85.8% in secondary, including all-through, schools), according to the January 2019 school census, are of White British Heritage (WBRI). 13.5% of pupils in East Sussex are Black and Minority Ethnic (BME) (12.4% in secondary, including all-through, schools).

In Rother 87.4% of pupils are WBRI (85.1% in secondary, including all-through, schools); 11.8% are BME (14.2% in secondary, including all-through, schools).

English as an Additional Language (EAL)

The proportion of pupils with EAL in East Sussex schools according to the October 2019 school census is 6.1% (5% in secondary, including all-through, schools). In Rother the figure is 3.8% (4.8% in secondary, including all-through, schools).

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

Ethnicity

91.1% of pupils, who attend RCC according to the January 2019 school census, are WBRI, 8.4% are BME. The proportion of pupils who are BME attending RCC is lower than the East Sussex secondary schools (including all-through) overall of 12.4%.

EAL

According to the October 2019 School Census, data for RCC indicates that the percentage of pupils with English as an Additional Language (EAL) is 1.1%. This is lower than the East Sussex secondary schools (including all-through) overall of 5%.

BME and EAL pupils are not over represented at RCC and as such would 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?

The local authority does not believe that people with the protected characteristic would 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 would have a positive impact as there would be more places available to meet the needs of children and young people in the local area, including those from different ethnic backgrounds.

e) 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 its policies.

f) Provide details of any mitigation.

N/A

g) 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?

In Rother, according to the October 2019 School Census, 50.9% of pupils attending schools in East Sussex are male (50.5% in secondary, including all-through, schools); 49.1% are female (49.5% in secondary, including all-through, schools). This compares to the East Sussex figures of male 51.4% (51% in secondary, including all-through, schools) and female 48.6% (49% in secondary, including all-through, schools)

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

The percentage of pupils attending the school at the 2019 School Census who are male is 56.7% and female 43.3%.

There is a higher proportion of males at the school than the county profile, however males and females attending the school would be educated together and it is not considered that this would have a significant impact even if the proportion remains the same after implementation of 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?

The local authority does not believe that people with the protected characteristic would 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?

The local authority does not believe there would be an impact on different genders.

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

N/A

f) Provide details of any mitigation.

N/A

g) How will any mitigation measures be monitored?

N/A

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?

The local authority does not consider marital status/civic partnership characteristics to be relevant to the proposal.

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 people who are married or same sex couples who have celebrated a civil partnership?

N/A

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

N/A

f) Provide details of any mitigation.

N/A

g) How will any mitigation measures be monitored?

N/A

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?

The local authority does not consider pregnancy and maternity characteristics to be relevant to the proposal.

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 people who are married or same sex couples who have celebrated a civil partnership?

N/A

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

N/A

f) Provide details of the mitigation

N/a

g) How will any mitigation measures be monitored?

N/A

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

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

The school does not have a particular religious ethos. 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?

The local authority does 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?

The local authority does not consider sexual orientation characteristics to be relevant to the proposal.

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 people who are married or same sex couples who have celebrated a civil partnership?

N/A

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

N/A

f) Provide details of the mitigation

N/A

g) How will any mitigation measures be monitored?

N/A

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 2019 School Census 23.1% of pupils in East Sussex schools were Ever6FSM (24.3% in secondary, including all-through, schools). In Rother the figure was 22.4% (23.9% in secondary, including all-through schools). Nationally in secondary schools the figure is 27.8%. 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?

The January 2019 School Census data for RCC showed that 18.9% of pupils are Ever6FSM. This indicates that there is an under representation of Ever6FSM pupils at RCC. The local authority does not believe they would 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?

The local authority does not believe any actions are necessary in relation to this proposal.

f) Provide details of the mitigation

N/A

g) How will any mitigation measures be monitored?

N/A

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

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	A No major change – 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>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>The East Sussex model expects that the expertise of staff within the facility provides 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 secondary facility in close proximity to existing primary school facilities 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.</p> <p>Although there is a higher proportion of males at the school than the county profile, males and females attending the school would be educated together. It is therefore not considered that this would have a significant impact even if the proportion remains the same after implementation of the proposal</p>
	B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	
	C Continue the policy/strategy - 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	
	D Stop and remove the policy/strategy – 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.	

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 would 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?

Date completed:	December 2019	Signed by (person completing)	<i>Gary Langford</i>
		Role of person completing	Place Planning Manager
Date:	December 2019	Signed by (Manager)	<i>Fiona Wright</i> <i>Assistant Director Education and Inclusion, Special Educational Needs and Disability</i>

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 for 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 65	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)

Appendix 2: 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 SEN provision at Robertsbridge Community College 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?	Consultation was carried out between 20 September and 11 October 2019. 83% of respondents to the consultation supported the proposal.
1.4	Did the published notice comply with statutory requirements?	The notice complied with statutory requirements as set out in 2.1 of 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 principal 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. A facility provides access to a base within the school for more intensive support when required. The East Sussex model 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 school and would be in addition to the published admission number. Placements are determined by the local authority 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>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> <p>An Equality Impact Assessment (EqIA) has been undertaken to identify any risks and appropriate mitigations. No equality implications have been identified in the report. The EqIA is appended to this report.</p>
1.8	Will the proposal have an impact on community cohesion?	Developing new secondary facilities in the area would allow progression for pupils and continuity of support to aid the transition of pupils from primary specialist facilities for whom a secondary facility is the most appropriate next stage. This will assist in reducing the increasing trend of transition from mainstream primary school to special secondary schools. Providing early intervention at the start of their secondary phase through a facility place will address needs and enable pupil's integration into the mainstream school.
1.9	Will the proposal have an impact on travel and accessibility?	Although pupils 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 12 pupils at a time, an increase of only 1% on the school's current capacity of 1,160 places.
1.10	Has capital funding been identified and secured to enable the proposals to be implemented?	Funding has been secured in the local authority's capital programme to enable the proposal to be implemented.
1.11	Have any particular issues or objections been raised during the representation period which could directly affect the proposal?	By the close of the representation period no comments or objections had been received.

Report to: **Lead Member for Education and Inclusion, Special Educational Needs and Disability**

Date: **22 January 2020**

By: **Director of Children's Services**

Title of report: **Lowering the age range at Stonegate CE Primary School**

Purpose of report: **To seek Lead Member approval to lower the age range at Stonegate CE Primary School to enable the governing board to provide early years provision on the school site.**

RECOMMENDATION:

Authorise a change of age range at Stonegate CE Primary School from 4 to 11 to 2 to 11 with effect from 1 September 2020.

1 Background

1.1 The governing board of the school wishes to lower its age range from 4-11 to 2-11 to accommodate families who wish to access early years provision on the school site.

1.2 The aim of the proposal is to integrate, fully, a twelve-place nursery provision into the Early Years Foundation Stage (EYFS) within the school. The governing board wishes to ensure that the school supports the local area by offering high quality early education delivered by experienced and well-trained staff across the Early Years Foundation Stage. The aim is to build on the work already done by the school to secure good outcomes for all children in the future.

2 Supporting information

2.1 The governing board consulted between 7 June 2019 and the 5 July 2019 on a proposal to lower the school's age range with effect from 1 September 2020. The governing board consulted with staff, families of children at the school, the local community and other interested parties.

2.2 By the close of the consultation period six responses had been received, all in support of the proposal. A further 16 people responded to the needs survey, indicating a requirement for early years and wraparound childcare provision at the school.

2.3 On 7 October 2019, the Lead Member considered the outcome of the consultation and approved the publication of a statutory proposal to lower the school's age range from 4-11 to 2-11. A copy of the Lead Member report can be viewed by following the link under background documents below.

2.4 The statutory proposal was published on 22 November 2019 on the local authority's website. A brief notice was published in the Sussex Express newspaper and posted on the entrances to the school.

2.5 Publication of the proposal was followed by a four-week period of representation, when further comments or objections could be made to the local authority. By the end of the representation period no comments or objections had been received.

3. Factors to be considered by the decision maker and types of decision

3.1 Proposed changes to the organisation of maintained schools have to follow a prescribed process established by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

3.2 The process set out above complied with these requirements.

3.3 The regulations set out a number of factors to which the Lead Member should have regard before making a final decision on the proposal. These are set out in **Appendix 1**.

4. Conclusion and reasons for recommendations

4.1 In conclusion, the local authority believes the proposal to lower the age range at Stonegate CE Primary School would help to build on work already done by the school, ensuring a fully integrated EYFS to help secure good outcomes for all children. The proposal is in line with local authority's strategy for the integration of nursery and school provision.

4.2 For this reason, the Lead Member is recommended to authorise a change of age range at Stonegate CE Primary School from 4 to 11 to 2 to 11 with effect from 1 September 2020.

STUART GALLIMORE
Director of Children's Services

Contact Officer: Jane Spice, Early Years Funding Manager
Tel. No. 01323 747425
Email: jane.spice@eastsussex.gov.uk

BACKGROUND DOCUMENTS

Lead Member report and minute from 7 October 2019:

<http://esmoderngov01v/ieListDocuments.aspx?CId=456&MId=4031&Ver=4>

APPENDICES

Appendix 1 – Factors for the Lead Member to consider

LOCAL MEMBERS

Councillor John Barnes

APPENDIX 1

The Lead Member for Education and Inclusion, Special Educational Needs and Disability should have regard to the following factors before reaching a final decision on the proposed change of age range from 4-11 to 2-11 at Stonegate Church of England Primary School.

1	Did the published notice comply with statutory requirements	The notice complied with statutory requirements as set out in 3.1 of the report.
2	Are the proposals related to other published proposals	The proposals are not related to other published proposals.
3	Was consultation carried out prior to the publication of notices	The governing board undertook a period of consultation between 7 June and 5 July 2019 on a proposal to lower the school's age range from 4-11 to 2-11 to enable them to provide early years provision on the school site.
4	Have any particular comments or objections been raised during the representation period which could directly affect the proposals	Six comments in support of the proposal were received during the representation period, with a further 16 people responding to the needs survey. No comments or objections were raised during the representation period.
5	The effect on education standards and diversity of provision	The local authority does not believe the proposal would have a negative impact on other providers, schools and academies in the surrounding areas as it is about changing the admission arrangements for the school to include children from two years old to support its long term sustainability and promote excellence across the Early Years Foundation Stage (EYFS).
6	The demand for places	The school would provide early years places by utilising space within the school. Based on current eligibility criteria, forecasts of need in the Stonegate area indicate there are likely to be sufficient early years places over the next few years. The proposal is in line with the local authority's strategy for the integration of nursery and school provision.
7	Has capital funding been identified and secured to enable the proposals to be implemented?	No capital investment is required by the local authority to implement the proposal. The school has secured external funding to refurbish an existing space within the school building to provide places for two, three and four year olds who are eligible for early years funding.
8	The proposed admission arrangements	The proposal would not affect the admission arrangements of the school, which would remain as published.
9	National curriculum	Stonegate CE Primary school would deliver the EYFS for children aged 2-5 years.
10	Equal opportunities issues	<p>The local authority does not believe there are any equality issues arising from the proposed changes. The new provision would be available for all children aged 2-4 in the local area who require a place.</p> <p>The proposal would have a positive impact by integrating, fully, nursery provision into the EYFS within the school. The governing board wishes to ensure that the nursery continues to support the local area and to offer high quality early education for all, delivered by experienced and well-trained staff across the EYFS. This would build on the work already done by the school to secure good outcomes for all children in the future.</p>
11	Community cohesion	The local authority believes that the proposal would enhance community cohesion by enabling the governing board to offer funded places to two, three and four year olds.
12	Travel and accessibility	The local authority does not believe the proposal would have any impact on travel and accessibility as the nursery provision is within the school's current footprint and would attract younger siblings of pupils already attending the school.

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