



# Equality Impact Assessment

## Project or Service Template

Name of the proposal, project or service
<b>Proposed closure of Pells CE Primary School</b>

File ref:	Pells	Issue No:	1
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### Contents

Part 1 – The Public Sector Equality Duty and Equality Impact Assessments (EIA)	1
Part 2 – Aims and implementation of the proposal, project or service .....	4
Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics. ....	8
Part 4 – Assessment of impact .....	11
Part 5 – Conclusions and recommendations for decision makers .....	24
Part 6 – Equality impact assessment action plan.....	26

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

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

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

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

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

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

These are sometimes called equality aims.

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

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

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

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

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

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

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

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

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

1.6.3 *Some key points to note :*

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

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

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

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

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

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

Proposed closure of Pells CE Primary School with effect from 31 August 2017

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

The Proposal is to close Pells CE Primary School.

It is the local authority's duty to ensure that there are sufficient places across the county to accommodate all pupils of statutory school age. The local authority must also consider its duty to promote high education standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential with the aim of enabling children to take up a school place within their local community.

In October 2014 the Lead Member agreed that a review of primary schools should be undertaken in the Lewes area. The area review raised significant concerns about the long term sustainability of Pells CE Primary School in terms of the risks to its financial stability, securing good outcomes for pupils and its ability to attract pupils from within its community area. The school received a second 'requires improvement' Ofsted grade in February 2015 and it is highly likely that the school will not be judged good or better at the next inspection. As the school has been judged 'Requires Improvement' twice in a row, Ofsted is likely to consider placing the school in a category of concern as a third 'Requires Improvement' outcome would indicate that the pace of improvement has not been swift enough to address pupil underachievement.

For these reasons and having considered alternative options including federation, amalgamation and academisation, the Lead Member for Education and Inclusion, Special Educational Needs and Disability on 21 March 2016 gave approval for the local authority to consult on the proposed closure of Pells CE Primary School.

If approved the proposal will result in the closure of Pells CE Primary School and arrangements would be made for parents/carers to apply for a place at an alternative school in the local area.

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

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

The Equality Impact Assessment was contributed to by the relevant local authority officers.

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

Children and their families, staff and the local community.

The local authority has a moral and legal duty to ensure pupils receive a good standard of education. It is a matter of significant concern that the provision for the pupils at Pells CE Primary School does not enable them to make expected levels of progress by the time they leave Year 6. The attainment of pupils in Year 6 has been below the national average for the past three years. Children who start at a similar level in other schools make better progress. The local authority has a responsibility to ensure that we have the same level of ambition for children at Pells CE Primary School.

The local authority's pupil forecasts for Lewes indicate that the number of places available in the town if Pells CE Primary School were to close will be sufficient to meet future demand for places. The latest set of pupil forecasts for Lewes, which take account of the proposed large developments at North Street and Old Malling Farm indicate that primary reception year intakes will fall in the period to 2018/19 before rising again in the period to 2025/26. However even at its peak intake numbers are expected to be below 200. Beyond 2025/26 the local authority's demographic based forecasts indicate that reception year intakes will begin to fall away again.

All pupils attending the school would be offered an alternative place at another school. Generally the local authority anticipates that there will be sufficient places available in other schools in Lewes for children from Pells CE Primary School were it to close, although a short term shortfall of places is expected in Years 3 and 4. This would be addressed through working with the other schools in the town. The Lewes Co-operative Trust has already indicated a willingness for schools to exceed their Pupil Admission Number (PAN) if necessary to ensure every child has a place.

Asking schools to exceed PAN is a strategy adopted in other parts of the county where there is pressure on places but the level of demand does not justify the creation of bulge classes. Forecasts indicate that this strategy would only need to be in place for a short period until the larger cohorts in Years 3 and 4 leave the primary phase. It should be noted that there is no class size legislation in Key Stage 2 which limits class sizes to 30.

Should the current proposals be implemented, the local authority would work with the current members of staff, including teaching and support staff in line with the Council's 'Managing Change Policy'.

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

The East Sussex County Council Cabinet is responsible for making the final decision on the proposal. If approved, the school would close by 31 August 2017.

The local authority will be responsible for overseeing the process of the closure of the school. The local authority will work closely with the school in implementing the closure, including supporting pupils in 2016/17 and their transition to a new school. The local authority admission's team will work closely with other schools in the town to ensure that every pupil is offered a school place.

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

Pells CE Primary School is a Voluntary Controlled school. The Diocese of Chichester shares our concerns about the long term sustainability of Pells CE Primary School in terms of the risks to its financial stability, securing good outcomes for pupils, its ability to attract pupils from within its community area and that it is highly likely the school will not be judged good or better at the next Ofsted inspection. The Diocese agreed that the local authority should consult with key stakeholders about the proposed closure of the school.

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

Proposals for closure have to follow a prescribed process established by the Education and Inspections Act 2006 (EIA 2006) as up dated by the Education Act 2011 and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013.

Background documents:

Report to the Lead Member for Education and Inclusion, Special Educational Needs and Disability on 21 March 2016:

<http://esmodern.gov01v/ieListDocuments.aspx?CId=456&MId=2867&Ver=4>

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

If the school were to close arrangements would be made for parents/carers to apply for a place at an alternative school in the local area. Parents/carers would be asked to complete an admissions application form and to name up to three schools they would like their child/ren to attend. Parents/carers would be offered a school place for their child/ren, either at one of their preferred schools named on the application form, or if this is not possible, at the nearest school to the child's home where a place is available. It should be noted that parents have a right to express a preference for a school, not to choose which school their child/ren attend.

The Council will try to meet parents/carers' preferences wherever possible but cannot guarantee to do so. The allocation of places will be made in line with the admissions policy as set out in the school admissions booklet which is available on the East Sussex website:

<https://new.eastsussex.gov.uk/educationandlearning/schools/admissions/>

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

N/A

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

As referred to in 2.5 above, the local authority must follow a prescribed process in proposing closure of a school. It cannot shorten the process. The proposed date

for closure of Pells CE Primary School is 31 August 2017. The local authority has a legal obligation to educate any child that wishes to remain at the school until the date of closure.



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

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

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

The consultation responses demonstrate that the majority of parents, pupils, staff, and the local community are against the proposed closure. A number of respondents have cited the impact on the proposals on individual pupils, including those with Special Educational Needs and other vulnerabilities. Some respondents have also cited that the closure of the school will lead to less choice for parents who wish to send their pupils to a faith school. A summary of the responses and the local authority's response is provided in Section 7 of the Consultation Report at **Appendix A**.

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

In October 2014 the Lead Member agreed that a review of primary schools should be undertaken in the Lewes area. The area review process involved the preparation of data packs between autumn and spring 2015 and the holding of internal meetings with officers and diocesan colleagues in the spring and of stakeholder meetings in June 2015. Information and evidence from this review informed the decision to seek approval to consult on proposed closure of Pells CE Primary School. The Lewes Area Review Report is included as an Appendix to the Report to the Lead Member for Education and Inclusion, Special Educational Needs and Disability on 21 March 2016:

<http://esmoderngov01v/ieListDocuments.aspx?CId=456&MId=2867&Ver=4>

A six week public consultation on the proposed closure of Pells CE Primary School commenced on 15 April and ran until 27 May 2016. Hard copies of the Local Authority's consultation document were distributed to 920 key stakeholders and interested parties which included pupils, parents and carers, staff other local

schools, trade unions, the District Council and Parish Councils, the local MP, the Church of England and Catholic Dioceses and the wider local community.

The consultation document was also available on the ESCC website at: [https://consultation.eastsussex.gov.uk/consultation\\_finder](https://consultation.eastsussex.gov.uk/consultation_finder)

A meeting was held with school staff and their union representatives on 21 April 2016 to provide the opportunity for officers to provide more detail about the proposal and for those attending to ask questions and raise concerns. Notes were taken at this meeting and a Question and Answer (Q&A) document was prepared and sent to the headteacher to distribute to staff.

A public meeting was held at Pells CE Primary School on the 4 May 2016 to provide more detail about the proposal and enable parents, carers and all interested parties to ask questions and raise concerns. Notes were taken at this meeting and a Q&A document responding to the key issues raised was produced and posted on the local authority's website for people to view. This can be viewed in section 5 of the Consultation Report attached at **Appendix A**.

The children of Pells CE Primary School were encouraged to express their views. These were gathered by the Head of School and submitted by email. The feedback received from pupils can be viewed in Section 6 of the Consultation Report attached at **Appendix A**.

**Consultation Responses** 104 consultation responses were received during the consultation period of which 43 were completed on line and 61 forms were returned via freepost. In addition

- 1 letter was received
- 4 emails were received.

Where known the following stakeholders responded to the consultation

- 22 parents / carers of a child at Pells CE Primary School
- 3 pupils at Pells CE Primary School
- 4 members of staff at Pells CE Primary School
- 5 members of the governing body at Pells CE Primary School
- 46 members of the local community
- 23 other (Home educating parent, parents of children at local schools, teacher at local school, governor at a local school, retired teachers, local town and district councillor, local MP, local town and district councillor, parent of past pupil, prospective parent, Grandparent, local resident and past resident of Lewes, local business, 'just wanting to save our schools')
- 1 Not answered

During the consultation period a 5,000+ signature petition in relation to the proposed closures of both Pells CE Primary and Rodmell CE Primary School was submitted to the Local Authority. Petitions must be considered in the light of DfE guidance and the greatest weight should be given to representations from those stakeholders most likely to be directly affected by the proposals rather than simply taking account of the numbers of people expressing a particular view. The petition does not identify each signatory's relationship to the school and therefore it is difficult to assess whether the opinions are those of stakeholders that should be given the greatest consideration. The petition is available for members to view.

The petition was presented at Full Council on 10 May 2016 where the following motion was moved.

*In view of the increasing need for Primary School places in and around Lewes in the next five years, the strength of public feeling shown by a petition of over 5,000 signatories and the emerging plans for the future at both Rodmell School and Pells School, the Council recommends to Cabinet that the process towards the closure of these two schools is halted at the end of the consultation to enable these plans to be put into place*

A recorded vote on the motion was requested and taken. The motion was carried, the votes being cast as follows - 28 for the motion and 20 against the motion.

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

A number of the consultation responses raise concerns about the impact of the proposed closure on specific pupils at the school, including those that are more vulnerable because they have Special Educational Needs. Respondents stated that they like the fact that Pells CE Primary School is a small school with good links to the local community.

The Local Authority recognises that the closure of this small school will impact on specific children who will be required to move schools, those families that have chosen the school because of its small size and families who have opted for a faith education (Church of England).

Looking at the school data we can see that children with Special Educational Needs (SEN) and eligible for Free School Meals (FSM) are significantly over represented at the school and as such will be disproportionately affected by the proposal. However, data showing the outcomes for pupils with Special Educational Needs (SEN), and those who have been eligible for Free School Meals at any point in the last six years (Ever 6 FSM), shows that outcomes for these pupils at other schools in the town are better.

Data on outcomes shows that in the last two years (2014 and 2015) no SEN pupils have achieved Level 4+ for reading/writing/maths at Pells CE Primary School. Other schools in the town have a higher % of SEN pupils achieving this outcome. Pells CE Primary School had the largest gap between SEN and non SEN pupils of all schools in the town in both 2014 and 2015 for this outcome.

Data on outcomes for the Ever 6 FSM cohort shows that in 2015 Pells CE Primary School had the lowest % of pupils from this cohort who achieved Level 4+ for reading/writing/maths, and the largest gap between Ever 6 FSM and non Ever 6 FSM pupils of all schools in Lewes. In 2014 the school had the 3<sup>rd</sup> highest gap between Ever 6 FSM and non Ever 6 FSM pupils of the 9 schools in the Lewes for this outcome.

It is therefore considered that there will be a positive impact as a result of this proposal on the educational outcomes of these groups.

## 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?

In East Sussex there are 37,389 primary age children attending 152 primary schools. In the Lewes District there are 6,855 primary age children attending 28 primary schools. Pells CE Primary School has 90 pupils on roll, this equates to 1.31% of the total primary age population in Lewes District and 0.24% of the county total (source: January 2016 census).

The school struggles to meet its pupil admission number as shown in the table below. For the last five years the school has consistently had a surplus capacity of more than 30% and at the January 2016 census the school had 90 pupils against a capacity of 140 - a 35% surplus of places, 50 unfilled places.

Published Admission Number (PAN)	2012/13		2013/14		2014/15		2015/16		2016/17	
	1st Prefs	% 1st Prefs Above/ Below PAN	1st Prefs	% 1st Prefs Above/ Below PAN	1st Prefs	% 1st Prefs Above/ Below PAN	1st Prefs	% 1st Prefs Above/ Below PAN	1st Prefs	% 1st Prefs Above/ Below PAN
20	7	-65%	6	-70%	9	-55%	11	-45%	9	-55%

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

The proposal will predominantly affect children of primary school age whose families chose to send their children to the school.

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

The proposal will disproportionately affect affect children of primary school age in the local community whose families chose to send their children to the school.

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

The proposal is only likely to impact on the current years up to Year four and the reception intake in September 2016. It does not affect years 5 and 6 and does not affect secondary age children in the town.

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

All local authorities have a statutory duty to offer all children aged 5 to 16 full-time education. Pupils at the school will be offered a place at another school in the town.

As set out in 2.2 above the Local Authority anticipates that the number of reception year places available in Lewes (assuming Pells CE Primary School closes in August 2017) will be sufficient to meet future demand for places. A short

term shortfall of places is expected in Years 3 and 4 and this would be addressed through working with the other schools in the town to ensure every pupil is offered a place. This may mean that some class sizes in other schools exceed 30.

The local authority has a moral and legal duty to ensure pupils receive a good standard of education. It is a matter of significant concern that the provision for the pupils at Pells CE Primary School does not enable them to make expected levels of progress by the time they leave Year 6. The attainment of pupils in Year 6 has been below the national average for the past three years. Children who start at a similar level in other schools make better progress. The local authority has a responsibility to ensure that we have the same level of ambition for children at Pells CE Primary School. This will better advance equality of the children who currently attend Pells CE Primary School.

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

Mitigation is in place to ensure that all pupils will be offered a place at another school. Asking schools to exceed PAN is a strategy adopted in other parts of the county where there is pressure on places but the level of demand does not justify the creation of bulge classes. Forecasts indicate that this strategy would only need to be in place for a relatively short period of time until the larger cohorts leave the primary phase. It should be noted that there is no class size legislation in Key Stage 2 which limits class sizes to 30 pupils.

Free transport would be provided to eligible children if appropriate.

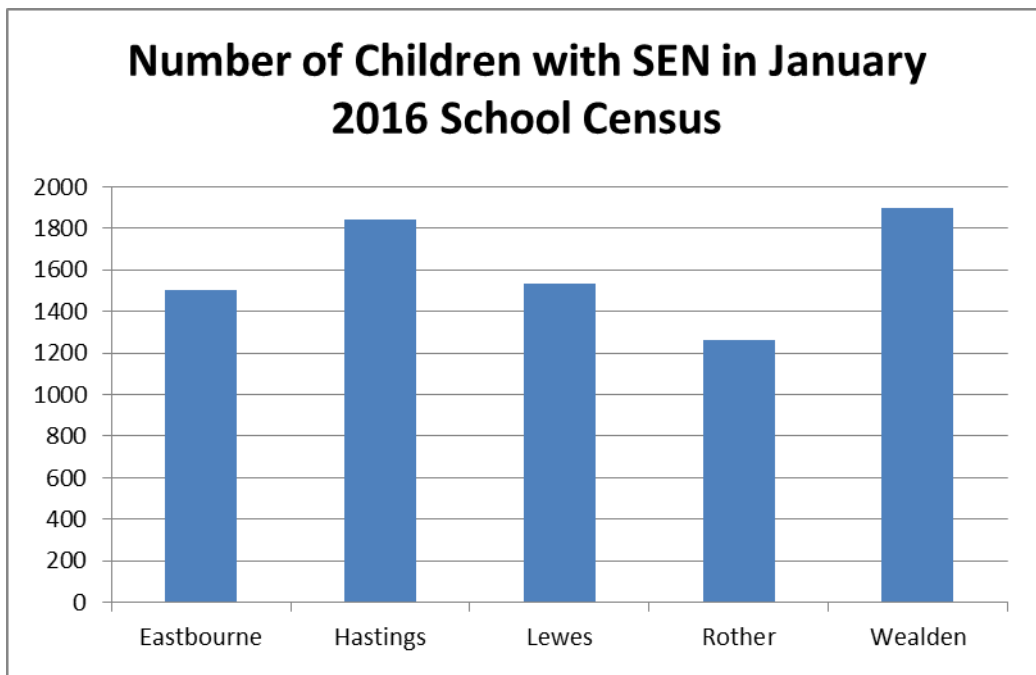
**f) How will any mitigation measures be monitored?**

The Council regularly reviews its pupil forecasts to ensure there are sufficient school places to meet demand and if necessary takes action to address any shortfalls in places in line with its statutory responsibilities.

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

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

The following chart shows the number of children recorded as having Special Educational Needs (SEN) in the January 2016 school census (children attending East Sussex maintained primary schools and academies). District/ Borough information relates to the pupil’s home address as reported in the January 2016 school census.



In East Sussex there were 8,042 children recorded as having Special Educational Needs in the January 2016 school census. The figure for Lewes District was 1,536.

Disability projections published on East Sussex in Figures (ESiF) in July 2013 put the total number of people with a disability in East Sussex at 89,006 for 2013. The figure for Lewes District is 15,818.

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
<b>East Sussex</b>	88,448	89,006	89,809	90,601	91,568	92,594	93,542	94,411	95,475	96,623	97,695	98,877	100,153	101,534	102,449	103,578
<b>Eastbourne</b>	17,625	17,609	17,735	17,814	17,960	18,122	18,253	18,383	18,550	18,725	18,895	19,125	19,368	19,610	19,782	20,008
<b>Hastings</b>	16,433	16,481	16,576	16,670	16,814	16,931	17,087	17,237	17,401	17,577	17,743	17,931	18,122	18,346	18,486	18,679
<b>Lewes</b>	15,734	15,818	15,956	16,139	16,290	16,512	16,682	16,837	17,029	17,243	17,412	17,605	17,799	18,027	18,179	18,342
<b>Rother</b>	16,688	16,746	16,897	17,066	17,241	17,423	17,583	17,710	17,900	18,106	18,312	18,520	18,750	18,975	19,157	19,357
<b>Wealden</b>	21,988	22,352	22,645	22,912	23,264	23,606	23,936	24,244	24,596	24,972	25,334	25,696	26,113	26,577	26,844	27,193

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

The current SEN data for Pells CE Primary School shows that the percentage of SEN pupils at the school is **30.0% (27 out of 90)**. This is significantly higher in comparison to the % average in East Sussex schools of **12.8%**

**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 data indicates that Pells CE Primary School is significantly overrepresented by pupils with this characteristic.

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

Considering the data children with SEN could potentially be disproportionately affected by the proposal. However, data on pupil outcomes show that this cohort of pupils achieve better at other schools in the town. This leads us to believe that there will be a positive impact on this proposal on the educational outcomes of this cohort.

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

Pells CE Primary School is a mainstream school. There is no specific provision on the site that is recognised by the local authority as reserved for pupils with SEN. All mainstream schools are required to meet the individual needs of all their pupils including those with SEN and disability. All schools in the area want all children to thrive and have access to a range of support to help with their needs. This would be the case for children moving from Pells CE Primary School and all schools would be expected to provide the same level of care as that provided at Pells CE Primary School. Outcomes for children with similar needs are better in other schools.

**Provide details of any mitigation.**

Should the proposal to close Pells CE Primary School be approved the Local Authority would work closely with receiving schools to ensure appropriate transition arrangements would be made so that any potential adverse impacts on pupils affected would be mitigated.

The Local Authority and affected schools have a duty to support appropriate transition arrangements and the Council would take all practical steps to ease the transition for pupils, most especially for vulnerable learners and those with SEN. Were Pells CE Primary School to close the Local Authority is confident that teaching staff at other schools would manage the transition of any pupils to their new school. These circumstances are not unusual in that schools regularly manage in-year admissions, though it is recognised that there will be a significant number of pupils making the transition at any one time, including a number of pupils with SEN. Therefore additional support will be in place for the transition arrangements as detailed below.

Should the proposal be implemented the Local Authority would work with pupils, their parents and the relevant schools to make appropriate transition arrangements for pupils. Relevant families would be consulted about any specific potential impacts on individuals; for instance, because of loss of support networks or the need to replicate reasonable adjustments made to accommodate disabled children, and we would ensure that appropriate individual arrangements are made where this is necessary to avoid potential adverse impacts. Transfer to a larger school could potentially provide more flexibility of resource to support pupil's needs.

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

The local authority will closely monitor the transition of the pupils to their new schools through regular monitoring arrangements already in place.

All schools have to report on the outcomes of all pupils, including those with SEN. The Local Authority will continue to monitor regularly the outcomes at all schools for these pupils.

**4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.** Race categories are: Colour. E.g. being black or white, Nationality e.g. being a British, Australian or Swiss citizen, Ethnic or national origins e.g. being from a Roma background or of Chinese Heritage

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

The vast majority of pupils (86.7%) according to the January 2016 school census are of White British Heritage. This is broadly in line with that of the population across the County based on the 2011 census. 10.2% of Lewes district's school population is Black and Minority Ethnic (BME). Of the 84 pupils attending Pells CE Primary School where ethnicity is known, 7.1% (1 in 14 pupils) are from ethnic minority backgrounds.

Data for Pells CE Primary School indicates that the percentage of pupils with English as an Additional Language (EAL) is 1.3% (years 1-6). This is lower than the East Sussex overall of 5.5%.

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

BME children are not over represented at Pells CE Primary School and as such will not be disproportionately affected by the proposal

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

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



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

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

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

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

The percentage of pupils attending the school who are male is **46.7%** and female **53.3%**. This compares to the East Sussex figures of male **51.5%** and female **48.5%**.

Should the current proposals be implemented, the Local Authority would work with the current members of staff, including teaching and support staff in line with the Council's 'Managing Change Policy'.

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

The following chart shows the gender breakdown of Pells CE Primary School by class

Class	Year Groups	Numbers		%	
		F	M	F	M
Robins	R	6	8	42.9	57.1
Kingfisher	1 & 2	15	7	68.2	31.8
Woodpecker	3 & 4	11	15	42.3	57.7
Puffins	5 & 6	16	12	57.1	42.9

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

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

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

N/A

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

N/A

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

N/A

**f) 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?**

We do not consider marital status/civil 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?**

We do 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 pregnant women and women within the first 26 weeks of maternity leave?**

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?**

Pells CE Primary School is a Voluntary Controlled school. The following denominational schools are situated within the Lewes.

Iford & Kingston CE Primary School  
Southover CE Primary School, Lewes  
South Malling CE Primary School, Lewes  
St Pancras Catholic Primary School, Lewes  
Annecy Catholic Primary School, Seaford

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

Pells CE Primary School is a Voluntary Controlled School. Voluntary Controlled schools are managed in the same way as community schools but have historically been linked to a church. The local authority is responsible for school admissions and decides how pupils are admitted in the same way as community 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 will predominantly affect children whose families chose to send their children to a denominational school.

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

There are a number of other schools in the Lewes area which are Voluntary Controlled Church of England schools so we do not consider that the proposal will have a significant impact on this particular characteristic.

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

Should the proposed closure of the school be approved the school would remain open until 31 August 2017.

Were closure approved, arrangements would be made for parents/carers to apply for a place at an alternative school in the local area, including other denominational schools. Parents/carers would be asked to complete an admissions application form and to name up to three schools they would like their child/ren to attend. Parents/carers would be offered a school place for their child/ren, either at one of their preferred schools named on the application form, or if this is not possible, at the nearest school to the child's home where a place is available. It should be noted that parents have a right to express a preference for a school, not to choose which school their child/ren attend.

The Council will try to meet parents/carers' preferences wherever possible but cannot guarantee to do so. The allocation of places will be made in line with the admissions policy as set out in the school admissions booklet which is available on the East Sussex website

<https://new.eastsussex.gov.uk/educationandlearning/schools/admissions/>

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

Free transport would be provided to eligible children if appropriate.

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

The Council regularly reviews its pupil forecasts to ensure there are sufficient school places to meet demand and if necessary takes action to address any shortfalls in places in line with its statutory responsibilities.

**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?**

We do 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 with differing sexual orientation?**

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 2015 School Census, **60.9%** of Pells CE Primary School pupils are Ever6FSM in comparison to **24.2%** of all pupils in East Sussex maintained schools. 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 data indicates that there is a significant **overrepresentation** of Ever6FSM pupils at Pells CE Primary School.

**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?**

Children from poorer socio economic backgrounds will be disproportionately affected.

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

Data on pupil outcomes show that this cohort of pupils achieve better at other schools in the town. This leads us to believe that there will be a positive impact on this proposal on the educational outcomes of this cohort.

Those with the protected characteristics may incur additional travel costs or uniform costs as a result of having to change school.

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

Free transport would be provided to eligible children

There is no uniform grant from the Local Authority however many schools make special arrangements for pupils entitled to Free School Meals. The availability of an uniform grant at other schools will be investigated at the next review of the EqIA if it is agreed that the consultation process should continue.

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

As in e) above.

The Local Authority and affected schools have a duty to support appropriate transition arrangements and the Council would take all practical steps to ease the transition for pupils, most especially for vulnerable learners, including those who are EverFSM. Were Pells CE Primary School to close the Local Authority is confident that teaching staff at other schools would manage the transition of any pupils to their new school. These circumstances are not unusual in that schools

regularly manage in-year admissions, though it is recognised that there will be a significant number of pupils making the transition at any one time, including a number of pupils from the EverFSM cohort. Therefore additional support will be in place for the transition arrangements as detailed below.

Should the proposal be implemented the Local Authority would work with pupils, their parents and the relevant schools to make appropriate transition arrangements for pupils. Relevant families would be consulted about any specific potential impacts on individuals; for instance, because of loss of support networks, and we would ensure that appropriate individual arrangements are made where this is necessary to avoid potential adverse impacts

All schools have a duty to ensure appropriate provision for pupils who are EverFSM and schools receive specific funding (the pupil premium) to support these pupils. Transfer to a larger school could potentially provide more flexibility of resource to support pupil's needs. Outcomes for EverFSM pupils are good at other schools.

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

The local authority will closely monitor the transition of the pupils to their new schools through regular monitoring arrangements already in place.

All schools have to report on the outcomes of all pupils, including those who are EverFSM. The local authority will continue to monitor the outcomes at all schools for these pupils.

**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.**

<b>Articles</b>	
<b>A2</b>	<b>Right to life (e.g. pain relief, suicide prevention)</b>
<b>A3</b>	<b>Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)</b>
<b>A4</b>	<b>Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)</b>
<b>A5</b>	<b>Right to liberty and security (financial abuse)</b>
<b>A6 &amp;7</b>	<b>Rights to a fair trial; and no punishment without law (e.g. staff tribunals)</b>
<b>A8</b>	<b>Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)</b>
<b>A9</b>	<b>Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)</b>
<b>A10</b>	<b>Freedom of expression (whistle-blowing policies)</b>
<b>A11</b>	<b>Freedom of assembly and association (e.g. recognition of trade unions)</b>
<b>A12</b>	<b>Right to marry and found a family (e.g. fertility, pregnancy)</b>
<b>Protocols</b>	
<b>P1.A1</b>	<b>Protection of property (service users property/belongings)</b>
<b>P1.A2</b>	<b>Right to education (e.g. access to learning, accessible information)</b>
<b>P1.A3</b>	<b>Right to free elections (Elected Members)</b>



## Part 5 – Conclusions and recommendations for decision makers

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

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

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

X	Outcome of impact assessment	Please explain your answer fully.
	<p><b>A No major change</b> – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.</p>	<p>The proposed closure of the school is appropriate on the basis of concerns over the long term sustainability of the school, in terms of its capacity to sustain improvements in standards in the context of declining popularity and financial viability. The proposed closure will have a positive impact on the educational outcomes of all children including those pupils with SEN and in the Ever6FSM cohort.</p> <p>All children displaced by the closure of Pells CE Primary School will be accommodated at other schools without the immediate need to provide additional places.</p> <p>Any potential negative impact on children, including those with SEN and those who are Ever6FSM, who are significantly over represented in the cohort, as a result of having to transfer to another school will be mitigated by putting in place effective transition support for pupils.</p> <p>Children who start at a similar level in other schools make better progress. The Local Authority has a responsibility to ensure that we have the same level of ambition for</p>
X	<p><b>B Adjust the policy/strategy</b> – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.</p>	
	<p><b>C Continue the policy/strategy</b> - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate</p>	
	<p><b>D Stop and remove the policy/strategy</b> – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.</p>	

		children currently at Pells CE Primary School.
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**5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, project or service?**

*(Give details)*

The local authority has a clear schedule for regular monitoring of schools, and the outcomes achieved by all pupils, including outcomes for those with SEN and EverFSM.

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

In October 2016 following the publication of statutory notices.

<b>Date completed:</b>	<b>June 2016</b>	<b>Signed by (person completing)</b>	<b>Gary Langford</b>
		<b>Role of person completing</b>	<b>Gary Langford</b>
<b>Date:</b>	<b>June 2016</b>	<b>Signed by (Manager)</b>	<b>Jessica Stubbings</b>

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

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

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

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)