

Report to: Cabinet

Date of meeting: 27 June 2017

By: Director of Children's Services

Title: Proposed closure of Rodmell CE Primary School

Purpose: To update Cabinet on progress since its decision in July 2016 to halt the closure, and to recommend next steps

RECOMMENDATIONS

Cabinet is recommended to approve the publication of statutory notices to close Rodmell CE Primary School by 31 August 2018.

1. Background

1.1 On 21 March 2016 the Lead Member for Education and Inclusion, Special Educational Needs and Disability gave approval for the local authority to consult on a proposal to close Rodmell CE Primary School (the school) because of its concerns about the long term sustainability of the school in terms of its financial stability, securing good outcomes for pupils and the absence of demand for places from within its community area. The Lead Member report is available by following the link: <https://democracy.eastsussex.gov.uk/Lead Member 21 March 2016>

1.2 The Diocese of Chichester (the diocese) shared the local authority's concerns and agreed that we should consult on closure of the school.

1.3 The consultation period ran from 15 April to 27 May 2016. It was apparent from the level of response received during the consultation period that parents and carers, pupils, staff, the governing body and the local community were overwhelmingly against the school closing.

1.4 Although the local authority remained very concerned about the long term sustainability of the school it agreed that the governors of the school should be given more time to explore partnership solutions with other schools including a possible federation with Iford and Kingston CE Primary School.

1.5 As a result, Cabinet took the decision on 19 July 2016 to halt the proposed closure of the school and allow the governing body further time to submit a firm and viable proposal that would ensure a sustainable future model for the school. The proposal was to be submitted in time for review by the local authority during Term 5 of the 2016/17 academic year. The Cabinet report can be viewed by following the link: <https://democracy.eastsussex.gov.uk/Cabinet 19 July 2016>

1.6 Having been unable to find a viable alternative partnership model for the school, the Chair of Governors informed the Director of Children's Services, the diocese, staff, parents and carers on 19 January 2017 that the governing body had reached the decision that the school can no longer provide a sustainable future for its children and that the school should move to closure by 31 August 2018.

1.8 The local authority remains concerned about the long term sustainability of the school for the reasons given in paragraph 1.1 and supports the governing body's decision to move to closure. This view is shared by the diocese.

1.7 Pupil numbers at the school have continued to decline, due in part to the ongoing uncertainty about the future of the school. At the January 2017 School Census there were 38 children on roll. This number has since reduced to only 18 at the start of Term 6. No children have been allocated a Reception year place at the school for September 2017 so, there is likely to be only 12 children on roll at the beginning of the new academic year, unless there are further leavers between now and then.

2. School Closure

2.1 To close the school the local authority must follow a statutory process established by the Education and Inspections Act 2006 (EIA 2006) as updated by the Education Act 2011 and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013.

2.3 The next stage of the process is to publish a statutory notice in the local newspaper. The notice must also be posted at all entrances to the school. In addition, a copy of the notice and full proposal must be published on the local authority's website. The publication of notices will trigger a four week period of representation when interested parties can comment on, or object to, the proposal.

2.4 Following the end of the representation period Cabinet is required to make a final decision on the proposal.

2.5 The recommended timeline of events is as follows.

Action	Date
Publication of statutory proposal	14 July 2017
Representation period	14 July to 11 August 2017
Final decision by Cabinet	19 September 2017
School closes	31 August 2018

3. Closure of Rural Schools

3.1 When deciding a proposal for the closure of a rural primary school, there is a legal requirement that the decision-maker must refer to the Designation of Rural Primary School (England) Order to confirm that the school is a rural primary school. As of September 2016, Rodmell CE Primary School is designated as a Rural Primary School.

4. Conclusion and reason for recommendations

4.1 The governing body has been unable to find an alternative partnership model to deliver a sustainable future for its children. As a result, the governing body has agreed that the school should move to closure by 31 August 2018. Pupil numbers at the school continue to decline, with only 18 children on roll at the beginning of Term 6. No children have been allocated a Reception year place at the school for September 2017.

4.2 The local authority's view is unchanged from last year in that it remains very concerned about the long term sustainability of the school in terms of its financial stability, securing good outcomes for pupils and the absence of demand for places from within its community area. The local authority supports the governing body's decision to move to closure. This view is shared by the diocese.

4.3 For the reasons set out above Cabinet is recommended to approve the publication of statutory notices in relation to a proposal to close Rodmell CE Primary School on 31 August 2018.

STUART GALLIMORE

Director of Children's Services

Contact Officer: Fiona Wright, Assistant Director: Education and ISEND

Tel. No. 01273 481112

Email: Fiona.wright@eastsussex.gov.uk

LOCAL MEMBER

Councillor Sarah Osborne

Appendices

Appendix A Equality Impact Assessment

Equality Impact Assessment Update

Name of the project, policy, service or strategy to be updated
Proposed closure of Rodmell CE Primary School Update

File ref:	Rodmell	Issue No:	1
Date of Issue:	May 2017	Review date:	August 2017

Part 1- The Public Sector Equality Duty and Equality Impact Assessments (EqIA) .	4
Part 2 - Scope of original EqIA and reasons for revision	6
Part 3 - Consideration of additional data and research	7
Part 4 – Changes to assessment of impact.....	8
Part 5 - Conclusions and recommendations.....	11
Part 6 – Revised equality impact assessment improvement plan.....	12

.....

Managers(s) and section or service responsible for completing the updated assessment	
Name	Gary Langford, Place Planning Manager
Section/service	Standards & Learning Effectiveness Service, Children's Services Department
Date	May 2017

Part 1 The Public Sector Equality Duty and Equality Impact Assessments (EqIA)

1.1 The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An 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, strategy or policy. 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 carrying 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 EqIA 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.
- EqIAs 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 EqIA produced after the decision is made.
- The duty is ongoing: EqIA'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 - Scope of original EqIA and reasons for revision

2.1 What is being assessed?

- a) **Name of the project, policy, service or strategy.**
Proposed closure of Rodmell CE Primary School with effect from 31 August 2018
- b) **What is the name of the original EqIA?**
Recommendation to halt the closure of Rodmell CE Primary School
- c) **What date was it completed?**
May 2016
- d) **What project, policy, service or strategy was covered in the original EqIA?**
Proposed closure of Rodmell CE Primary School
- e) **What was the scope of the original EqIA?**
Assessing the implications of closing the school as part of the wider area Lewes Area Review of primary school places

2.2 Reasons for the revision

The governing body of Rodmell CE Primary School now believes that the school can no longer provide a sustainable future for its children and that the school should move to closure.

2.3 Scope of the update

The update will cover any changes which might impact on those affected by the proposal

2.4 Has there been any change to who is affected by this revised EqIA?

No

2.5 Main differences between original EqIA and the update

Since Cabinet took the decision on 19 July 2016 to halt the proposed closure of Rodmell CE Primary School and allow the governing body further time to submit a firm and viable proposal that would ensure a sustainable future model for the school, pupil numbers at the school have continued to decline.

At the January 2017 School Census there were 38 children on roll at the school. This number has since reduced to 20 at the start of Term 5 of the current academic year (2017/18). No children have been allocated a Reception Year place at the school for September 2017. If there are no further leavers between now and September 2017, the school is likely to have only 14 children on roll at the beginning of the next academic year, 2018/19.

On 19 January 2017 the Chair of Governors, informed the Director of Children's Services, the Diocese of Chichester (the diocese), staff and parents/carers that, having been unable to find a viable alternative partnership model for the school, the governing body had reached the decision that the school can no longer provide a sustainable future for its children and that the school should move to closure.

Part 3 - Consideration of additional data and research

3.1 List any examples of additional quantitative and qualitative data or any consultation information available for the update

Please mark the relevant boxes below with an 'X'

Census	X	School Census October 2016 and January 2017
Consultation		
Complaints		
ESiF		
Other	X	Letter from Chair of Governors of 19 January 2017 confirming the Governing Body decision to move to closure.
Staff survey		

3.2 Have you carried out any additional consultation or research to complete this update? (If No, go to part 4.)

No

3.3 What does the consultation, research and/or data indicate about the negative impact of the project, policy, service or strategy update?

3.4 What does the consultation, research and/or data indicate about the positive impact of the project or update?

Part 4 – Changes to assessment of impact

4.1 From the evidence available, does the update affect or have the potential to affect equality groups differently?

Please mark the relevant boxes below with an 'X'

	Yes	No	No change
<p>Age</p> <p>The proposal will impact on the current Reception to Year 5 pupils (which totals 14 children at the start of Term 5 of the current academic year). It does not affect Year 6 children who will leave the school at the end of this academic year.</p> <p>The proposal will disproportionately affect children of primary school age at the school. No change from original EqIA.</p>			X
<p>Disability</p> <p>The current SEN data for Rodmell CE Primary School shows that the percentage of SEN pupils at the school is 28.9% (11 out of 38). This is significantly higher in comparison to the % average in East Sussex primary schools of 12.1% (Source January 2017 School Census)</p> <p>The data indicates that Rodmell CE Primary School continues to be significantly overrepresented by pupils with this characteristic. No change from original EqIA.</p>			X
<p>Ethnicity</p> <p>The vast majority of pupils (97.4%) attending Rodmell CE Primary School are of White British Heritage. This compares with 91.7% of the population across East Sussex. Of the 38 pupils attending Rodmell CE Primary School where ethnicity is known, 2.6% (1 pupil) are from ethnic minority backgrounds. (Source January 2017 School Census and 2011 Census)</p> <p>Data for Rodmell CE Primary School indicates that the percentage of pupils with English as an Additional Language (EAL) is 0.0% (years 1-6). This is considerably lower than figure of 6.2% in East Sussex primary schools.</p> <p>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. No change from original EqIA.</p>			X
<p>Gender/transgender</p> <p>The percentage of pupils attending the school who are male is 57.9% and female 42.1%. This compares to the East Sussex primary school figures of male 51.7% and female 48.3%. (Source January 2017 School Census and 2011 Census)</p> <p>Boys continue to be significantly overrepresented at the school and are likely to be more affected by the proposal. No change from original EqIA.</p>			X
<p>Marriage and Civil Partnership</p> <p>Not relevant to the proposal</p>			X

Maternity and Pregnancy Not relevant to the proposal			X
Religion, belief Rodmell CE Primary School continues to be a Voluntary Aided School but also a local community school and therefore accepts pupils of all faiths or no faith. The proposal will predominantly affect children whose families have chosen to send their children to a denominational school. No change from original EqIA.			X
Sexual orientation Not relevant to the proposal			X
Others (please state e.g carers/ruralityetc): 23.6% of all pupils in East Sussex maintained schools are Disadvantaged. 27.1% of Rodmell CE Primary School pupils are Disadvantaged (Ever 6 FSM, Looked after or adopted from care). The data therefore indicates that there is an overrepresentation of Disadvantaged pupils at Rodmell CE Primary School. No change from original EqIA. (Source January 2016 School Census and 2011 Census)			X

4.2 If yes, do any of the differences amount to? Please duplicate this box for each equality group that you identify will have a changed impact.

	Reason, evidence, comment
Barriers, negative impact or unlawful discrimination	N/A
Neutral Impact	N/A
Positive impact	N/A

- a) If there is a negative impact, can it be justified on the grounds of promoting equality of opportunity for one group over another or for another legitimate reason?

4.3 Specify measures that can be taken to remove or minimise the disproportionate or negative effect identified in Section 3. If none were identified in Section 3; identify how disproportionate impact or adverse effect could be avoided in future.

All Local Authorities have a statutory duty to ensure there are sufficient school places to meet demand. The Council regularly reviews its pupil forecasts and if necessary takes action to address any shortfalls in places in line with its statutory responsibilities. If Rodmell CE Primary School closes on 31 August 2018 the local authority will work with other schools in the area to ensure that every pupil at the school will be offered a place at an alternative school.

More information will be provided on places available at alternative schools (including denominational schools) when the EqlA is reviewed at the end of the Representation Period following the publication of notices.

Rodmell 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.

Should the proposal to close Rodmell 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 Rodmell 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 number of pupils making the transition at any one time, including a number of pupils with SEN. Therefore additional support will be in put in place if necessary 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.

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 by gender, including those with SEN, those who are Ever6FSM. The local authority will continue to monitor regularly the outcomes at all schools for these pupils.

4.4 How will any amended project, policy, service or strategy be implemented, including any necessary training?

Subject to Cabinet approval statutory notices for the closure of Rodmell CE Primary School will be published in July 2017 providing a further opportunity for interested parties

to comment on or object to the proposal. It is anticipated that Cabinet would make a final decision on the proposal in September 2017. If the proposal is approved the local authority and the diocese would implement closure of the school on 31 August 2018.

Part 5 - Conclusions and recommendations

5.1 Does the project, policy, service or strategy comply with equalities legislation?

Yes

5.2 What are the main areas requiring further attention?

N/A

5.3 Summary of recommendations for improvement

N/A

5.4 Is there a plan in place to carry out regular checks on the effects of the project, policy, service or strategy?

(Give details)

The EqIA will be reviewed at the end of the representation period following the publication of statutory notices.

5.5 When will the updated project, policy, service or strategy be reviewed?

August 2017.

Part 6 – Revised equality impact assessment improvement plan

The table below should be completed using the information from the updated 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 action complete summary form on intranet page.

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

Area of negative/ neutral impact	Changes proposed	Lead Manager	Timescale	Resource implications	Comments