



Equality Impact Assessment

Name of the proposal, project or service
Proposed closure of Broad Oak Community Primary School

File ref:	Broad Oak Community Primary School	Issue No:	1.0
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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 EqIAs, 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 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.

Consultation on the proposed closure of Broad Oak Community Primary School

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

The proposal is to close Broad Oak Community Primary School (Broad Oak) on 31 August 2020.

East Sussex County Council has a statutory duty to ensure there are sufficient school places for all children. The [School Organisation Plan 2019-2023](#) sets out the local authority's approach to the organisation and leadership arrangements of schools to maintain the efficiency and effectiveness of provision to ensure that all schools are well placed to deliver high quality education that meets the needs of their local community and makes best use of public funding.

The decision to consult on closure of Broad Oak was taken in the context of the local authority's review of rural primary school provision undertaken during the 2018/19 academic year and its statutory duty to ensure there are the right numbers of places in the right locations to meet local demand. The local authority also has to look more widely at the organisation of schools to ensure they are well placed to deliver a high quality education to their local community. The area review identified Broad Oak as being at risk of closure for the following reasons.

Broad Oak is a small, rural community primary school. The school is part of the Woodlands Federation with Punnetts Town Community Primary School and Dallington CE Primary School. The school has a published admission number (PAN) of 20 and capacity for 140 pupils (20 x 7 year groups). Information and evidence gathered during the area review of primary school places shows that the school has been under-subscribed in each of the last five years and pupil numbers fall significantly short of the school's PAN each year. The school was allocated 7 pupils for September 2019, at the time of writing only 5 are on roll. The 10-year average birth rate in the school's community area is less than 8 per annum (the school's PAN is 20). There is very little house building planned in the area to help grow the birth rate which means there is little in-area demand for places at the school.

At the May 2019 School Census Broad Oak had 83 pupils on roll, meaning there were 57 (41%) surplus places. Only 30 (44%) of the 68 children living in the Broad Oak community area at that time attended the school, which equated to only 36% of the school's number on roll. In comparison, 39% of the school's cohort lived in Heathfield where there are surplus places at schools a short distance away e.g. All Saints' and St Richard's CE Primary School and Cross-in-Hand CE Primary School (37% and 30% respectively in May 2019).

Pupil numbers at Broad Oak have since fallen to 52 (source: the school's pupil number return dated 18 October 2019) meaning there are now 88 (63%) surplus places. 13 Year 6 pupils left the school at the end of the last academic year to be replaced by 5 Reception pupils, a net reduction of 8 pupils. The local authority recognises that the consultation on closure has contributed to the further reduction in numbers.

The governing board's three-year budget plan, submitted in May 2019, showed the following budget position.

Financial year	End of year
2019/20	£0
2020/21	-£73,820 Deficit
2021/22	-£203,435 Deficit

Despite respondents referencing the budget deficit, no plans have been forthcoming from the governing board in terms of how the deficit can be addressed. At the time of writing the information on the Go Fund Me website indicates £720 has been raised of the school's £100,000 target. The school has already restructured to make savings by moving from four classes to three in September 2019. The governors have not identified where further savings could be made.

An interim estimate of the 2020/21 budget using the current pupil numbers and the new funding assumptions contained in the announcement from the government shows that, whereas the budget might have been between £370,000 and £375,000 based on pupil numbers built into the school's budget plan, the likelihood is that the budget could reduce to somewhere between £314,000 and £318,000 based on current numbers and will further increase the budget deficit. Governors were unable to provide a clear strategy to overcome the financial challenge prior to the consultation when pupil numbers were higher; the budget projection is now significantly worse making it even harder for governors to identify a viable solution.

Broad Oak last received an Ofsted rating of 'good' in 2011. At its last two Ofsted inspections in 2016 and 2018 the school was rated overall as requiring improvement. In 2018 the effectiveness of leadership and management, personal development, behaviour and welfare and early years provision were all rated good. However, quality of teaching, learning and assessment and outcomes for pupils were rated as requiring improvement resulting in the overall judgement of requires improvement.

The local authority has provided a range of support to the school in recent years for teaching and learning and leadership and management. The school also has a progress group in place which provides additional support and monitoring from the local authority.

Prior to 2016 when Broad Oak received the first of its two Requires Improvement judgements, pupil numbers were at or close to the school's capacity of 140. Between 2016 and 2019 numbers declined to 81. Since the start of the current academic year pupil numbers have fallen further to 52 as set out above.

A section 8 monitoring visit was undertaken at Broad Oak by Ofsted HMI on 8 October 2019, three days before the end of the consultation period. The monitoring inspection was carried out under section 8 of the Education Act 2005 and took place because the school had received two successive judgements of Requires Improvement at its previous section 5 inspections. The key findings of the inspection were that:

'Senior leaders and governors are taking effective action to tackle the areas requiring improvement identified at the recent section 5 inspection in order for the school to become good.'

The school should take further action to:

- *Continue to develop the school's curriculum to ensure that it is coherently planned and sequenced so that pupils are able to know more and remember more as they progress through the school*
- *Ensure that the recent improvements in the teaching of phonics are sustained so that there is a clear focus on ensuring that younger pupils promptly gain the phonics knowledge necessary to read well*
- *Maintain a sharp focus on continuing to improve teachers' subject knowledge to enhance the teaching of the curriculum.'*

The monitoring letter also noted the "Local Authority is providing effective support and challenge to Leaders and Governors to improve the school. Advisers from East Sussex Local Authority are following timely, focused support and guidance in all aspects of the school's work. Staff training, together with the school's involvement in specific local authority-led projects, is helping to improve the quality of education in the school."

All other schools in the Heathfield area are rated good or outstanding by Ofsted.

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

Gary Langford, Place Planning Manager, Standards and Learning Effectiveness Service. The Children's Services Senior Management Team has signed off the EqIA to this stage but the process of impact assessment will be ongoing. The Senior Management Team comprises the Director and Assistant Directors of the Children's Services Department.

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

The proposal affects pupils on roll at Broad Oak and their families. Currently there are 52 pupils on roll, illustrated in the chart below.

Pupil numbers 2019/20

2019/20 pupil numbers	PAN	Capacity	2019/20 number on roll							Total
			Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	
Broad Oak Community Primary School	20	140	5	1	6	9	8	6	17	52

Source: School return dated 18 October 2019

The proposal also affects members of staff at Broad Oak. Should the school close, a formal consultation would begin with all members of staff, teaching and non-teaching, and trade union representatives in line with the local authority's Managing Change Policy. More information on this is provided in 2.3 below.

The local authority believes that the remaining schools in the Woodlands Federation – Punnetts Town Community Primary School (Punnetts Town) and Dallington CE Primary School (Dallington) – would be in a stronger position moving forward than they are with Broad Oak in the federation. Both school's budget plans indicate that they are more financially viable in their own right. In the event of closure, the two schools would need to absorb costs that are currently shared with Broad Oak; these costs assume currently planned structures and with some further adjustments this impact could be reduced, but it is clear overall that further options would need to be pursued to address long term viability of the federation. However, even with no further action, the potential deficit that the two-school federation would be facing by 2021/22 would be significantly lower (in the region of £70,000) than the £223,000 currently forecast across the federation (taken from the governors May 2019 budget plan). This position will give the federation more opportunity to explore further collaboration options to help secure a viable future, but not if those schools cost significantly more to run than the income they can generate from pupil intake which is the challenge Broad Oak faces. Without Broad Oak the federation would be in a stronger position to further expand with other schools that are viable in their own right.

Local schools should benefit from the proposal by reducing surplus places in the area and providing more certainty to the remaining schools about pupil numbers. The proposal should create a more sustainable network of schools in the local area thereby reducing the risk of more schools becoming unviable.

The local community is likely to be affected by the proposal. This will be addressed in a separate Community Impact Assessment appended to the Lead Member for Education and Inclusion, Special Educational Needs and Disability (the Lead Member) report.

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 local authority is responsible for making a final decision on the proposal. In December 2019 the Lead Member will consider the outcome of the public consultation and decide whether or not to continue with the statutory process to close Broad Oak. If statutory proposals were published

for the closure of the school the local authority would determine the proposal (make a final decision on closure) in March 2020. If approved, the school would close on 31 August 2020.

The local authority would be responsible for overseeing the process of closing the school and would work closely with the school to implement closure, including supporting pupils during their final months at Broad Oak and in their transition to a new school. Parents and carers of children at the school would be able to express a preference for a place at an alternative school. Parents and carers would be asked to complete an admissions application form and to name up to three schools they would prefer their child/ren to attend. Parents and carers would be offered a school place 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. The local authority would try to meet parents and carers preferences wherever possible but cannot guarantee to do so. The allocation of places would be made in line with the admissions policy as set out in the school admissions booklet which is available on the East Sussex website at:

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

On 4 November 2019 the Lead Member gave approval for the local authority to consult on a proposal to expand the Heathfield primary school's community area to encompass the area currently served by Broad Oak. This is to ensure that, should Broad Oak close, children living in the Broad Oak community area would be able to access a local school.

Free home to school transport would be provided for eligible pupils who meet the criteria set out in the link below. Latest analysis shows that of the 35 Reception to Year 5 pupils likely to be affected by the proposal, approximately 57% live nearer / the same distance to an alternative school, with approximately 43% living further away. The local authority currently estimates five pupils would be eligible for free home to school transport to their nearest alternative school. The cost to the local authority would be negligible as either the pupils are already in receipt of free home to school transport or arrangements are already in place to the alternative schools. The local authority acknowledges that some pupils living in Broad Oak and attending the school might face longer journeys to and from an alternative school each day. However, for many their nearest alternative school is within statutory walking distance.

It is envisaged that displaced pupils would continue to be transported to and from school under arrangements made by their parents and carers and that, given the majority of pupils would be able to attend a school nearer to their home address it is unlikely there would be a noticeable increase in car usage. To the contrary, it would be hoped that car usage would reduce.

<https://www.eastsussex.gov.uk/educationandlearning/schools/transport/>

Should the school close, a formal consultation would begin with members of staff at Broad Oak and their trade union representatives. The local authority would work alongside the school to ensure that all of the procedures for managing the change process, outlined in the local authority's Managing Change Policy are followed. All staff would be entitled to be considered for redeployment to a suitable alternative post within the local authority for centrally managed roles. For school based advertised vacancies, the local authority would liaise with East Sussex maintained schools regarding the availability of staff at risk of redundancy from 31 August 2020, to seek the agreement of a school with a suitable vacancy to participate in the redeployment process in order to fill the vacancy.

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

The Diocese of Chichester, as a key partner in education provision in East Sussex, has been fully involved in the reviews of rural primary school provision. Of the 68 rural primary schools in East Sussex 49 are Church of England schools. The Woodlands Federation includes a Church school, Dallington CE Primary School, and it is therefore appropriate for the Diocese to be involved in any proposals which could impact on the federation. The Diocese is not a formal decision maker in this proposal.

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 updated by the Education Act 2011 and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013.

The DfE statutory guidance '*Opening and closing maintained schools*' updated in November 2019 (the guidance) states

"Proposers should be aware that the Department expects all decision makers to adopt a presumption against the closure of rural schools. This doesn't mean that a rural school will never close, but that the case for closure should be strong and clearly in the best interests of educational provision in the area".

The presumption against closure does not mean that rural schools cannot be closed by local authorities, but they have a duty to carefully consider the factors set out in the guidance when proposing to close a rural school. These factors are:

- Alternatives to closure including: federation with another local school; conversion to academy status and joining a multi-academy trust; the scope for an extended school to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc;
- Transport implications i.e. the availability, and likely cost of transport to other schools and sustainability issues;
- The size of the school and whether it puts the children at an educational disadvantage e.g. in terms of breadth of curriculum or resources available;
- The overall and long term impact on local people and the community of the closure of the village school and of the loss of the building as a community facility; and
- Wider school organisation and capacity of good schools in the area to accommodate displaced pupils.

Broad Oak is designated as a rural school under the Designation of Rural Primary Schools (England) Order 2018. The local authority has provided evidence in a separate document, appended to the Lead Member report, to show that it has carefully considered each of these factors.

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

As referred to in 2.5 above, proposals for closure have to follow a prescribed 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. In accordance with the prescribed process the local authority began a pre-publication consultation on the proposed closure of Broad Oak on 5 July 2019. There is no prescribed timeframe for consultation, but the Department for Education (DfE) recommends that it should last for a minimum of 6 weeks. The local authority acknowledged that the consultation period straddled the summer holiday and accordingly extended the consultation period to 11 October 2019, meaning there were a total of 14 weeks of consultation, of which 8 were during term time.

Consultation on the proposed closure of Broad Oak was widely publicised through the local authority's consultation hub, press releases and radio interviews. It was also published on the local authority's digital newsroom and shared on its corporate social media accounts. Hard copy and translated versions of the consultation document were available on request. Letters were

written to key stakeholders including pupils, parents and carers, staff, the governing board, other local schools and trade unions. The local authority also consulted with a wide range of other groups and organisations including early years providers, the district and parish councils, the local MP, the Church of England and Catholic dioceses and the wider local community.

Consultation meetings were held with staff, union representatives, parents and carers and the local community on 15 July 2019 to provide further information on the proposal and give interested parties the opportunity to ask questions. Notes were taken at both meetings and a Q&A document responding to key issues raised was produced and posted on the consultation hub for people to view. A significant number of questions and requests for information were received prior to the consultation formally opening. These were also addressed where possible through the Q&A on the consultation hub.

In addition, the local authority sought feedback directly from pupils through a pupil engagement session at the school on 16 September 2019 facilitated by two of the local authority's consultant headteachers.

A petition of 138 signatures was submitted before the end of the consultation period. A further petition on the local authority's [website](#) is ongoing. At the time of writing the petition has 1,230 signatures.

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.

The Lead Member report and appendices describe the rationale for consulting on the proposed closure of Broad Oak and how alternative arrangements would be made for pupils, families and staff affected by the proposal. The Lead Member must consider the outcome of the consultation before deciding whether to proceed with the statutory process to close the school.

As referred to in 2.5 above, the local authority must follow a prescribed process in proposing the closure of a school. It cannot shorten the process. The proposed date for closure of Broad Oak is 31 August 2020. If the school closes, the local authority has a legal obligation to educate any child that wishes to remain at the school until the proposed date of closure.

As referenced in 2.3 above, should Broad Oak close the local authority would be responsible for overseeing the process of closing the school. The local authority would work closely with the school to implement closure, including supporting pupils during their final months at Broad Oak and in their transition to a new school. Parents and carers of pupils at Broad Oak would be able to express a preference for a place at an alternative school. Parents and carers would be asked to complete an admissions application form and to name up to three schools they would prefer their child/ren to attend. Parents and carers would be offered a school place 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. The local authority would try to meet parents and carers preferences wherever possible but cannot guarantee to do so. The allocation of places would be made in line with the admissions policy as set out in the school admissions booklet which is available on the local authority's website at:

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

Free home to school transport would be provided for eligible pupils who meet the criteria set out in the link below.

<https://www.eastsussex.gov.uk/educationandlearning/schools/transport/>

A formal consultation would begin with members of staff at Broad Oak and their trade union representatives. The local authority would work alongside the school to ensure that all of the procedures for managing the change process, outlined in the local authority's Managing Change Policy are followed. All staff would be entitled to be considered for redeployment to a suitable alternative post within the local authority for centrally managed roles. For school based advertised vacancies, the local authority would liaise with East Sussex maintained schools regarding the availability of staff at risk of redundancy from 31 August 2020, to seek the agreement of a school with a suitable vacancy to participate in the redeployment process in order to fill the vacancy.

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
x	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	x	Research Findings
x	Census Data	x	East Sussex Demographics
x	Previous Equality Impact Assessments	x	National Reports
x	Other organisations Equality Impact Assessments		Any other evidence?

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

All comments received during the consultation period have been reviewed in the context of completing this EqIA and making a recommendation to Cabinet about next steps. One response to the consultation referenced discrimination:

'A parent should have a choice about which type of school they want their children to attend. If a parent is atheist, Jewish, Muslim or Roman Catholic, East Sussex County Council is taking away their rights to attend a non-religious educational establishment. It is discrimination'. This is addressed in section 4.7 of the report.

Respondents to the consultation were asked to provide personal information, including information about protected and other characteristics, which was used to analyse responses. Some respondents chose not to provide personal information.

The consultation responses demonstrate that the majority of parents, pupils, staff, and the local community are against the proposed closure citing reasons such as the impact of the proposals on individual pupils and those with SEN; the impact of the proposals on the local community and loss of choice for parents wishing to send their child to a non-faith school. Concerns were also raised relating to the impact of the housing development in Heathfield area and the impact closure of the school would have on traffic, transport and the environment.

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

The local authority undertook a review of rural primary school provision in East Sussex during the 2018/19 academic year. The principal focus of the review was the increasing number of rural schools with small and very small cohorts, the local demand for places at those schools and the effect this is having on their viability and capacity to offer a well-balanced, high quality curriculum that meets the needs of their local community and makes best use of public funding. The local authority is committed to working in close partnership with schools, the dioceses and key partners to ensure that the supply of school places across the county is in the right location, is of sufficient size, and is viable and of good quality.

In partnership with the Diocese of Chichester, the local authority reviewed 12 areas of the county containing a total of 62 rural schools. The areas were based largely on the former School Organisation Plan areas and the geography of schools.

The review took account of many variables which influence provision in an area. These include:

- the quality of provision and outcomes achieved for pupils;
- school leadership;
- federations and collaborations;
- financial viability;
- the level of surplus places in an area / school;
- the location of schools in relation to local pupil numbers;
- parental choice for schools; and
- premises.

Sustainability of schools is not just about financial viability but also the ability of schools to make appropriate provision and secure good outcomes for all pupils over time. Consideration of this was an important part of the area review process. The local authority's strategy of supporting schools into federations has helped strengthen a number of small schools; however federation does not provide an answer for all the financial challenges schools face.

Whilst the review was not driven by the need for the local authority to make financial savings, the need to ensure that schools can provide a financially viable, high quality education is very important and was one of the key considerations of the review. Notwithstanding this, there are cost implications for the local authority where schools are experiencing challenges in relation to sustainability. This involves additional activity undertaken by the local authority with regard to advice and guidance to school leaders and governors about restructuring, budgeting and class organisation to support schools in the short term. This type of support cannot be considered a long term strategy and there is a reputational risk to the local authority if appropriate action is not taken in a timely manner which is then required at a future date.

A number of rural schools have, or are predicted to have, significant surplus places (25% or more) and are facing real challenges in terms of their financial viability and their capacity to offer a well-balanced, high quality curriculum. Surplus places impact negatively on all sizes of schools in rural areas because it can lead to a fluctuation in pupil numbers.

Between January and March 2019 the local authority, in conjunction with the Diocese of Chichester, undertook a series of engagement sessions to share with schools data for their area and to hear about the challenges and opportunities schools face now and in the future. Every session was well attended by headteachers and governors, with only one school across the twelve areas not attending.

At each meeting the local authority presented data on pupil numbers, surplus places, pupil distribution, parental preferences, births and housing. The local authority also asked school colleagues to consider the strengths, challenges, opportunities and threats of being a rural school in their area. Some general themes came out of the analysis such as:

- strengths – centre of the community, caring and nurturing, knowing every family and child, strong links to the church and diocese;
- challenges – fluctuating pupil numbers, budget pressures, school buildings, staff workload (leadership of several subjects);
- opportunities – expansion of existing partnerships / federations, rationalisation of provision – fewer, more viable schools, sharing best practice, amalgamation of schools; and
- threats – high levels of Special Educational Needs pupils, the birth rate, staff and governor recruitment, doing nothing.

In addition to the feedback provided at the meeting, schools were given the opportunity to send written representations following the engagement sessions. Responses were received from 6 schools. In May 2019 the local authority and the Diocese of Chichester visited a small number of

schools for more detailed discussions about the challenges facing individual schools. Throughout the review schools were kept informed of progress through a number of Virtual Schoolbag updates during the 2018/19 academic year.

The local authority and the Diocese of Chichester considered feedback from the engagement sessions and from subsequent meetings with schools. A range of options were considered including changing PANs, potential mergers of two or more schools and reconfiguration of infant and junior phases across a number of schools. The local authority and the Diocese of Chichester concluded that in two areas – Heathfield and North Chailey – school closure proposals should be brought forward and this was approved by the Lead Member on 24 June 2019. For the remaining ten areas no school closures are required either because the total surplus capacity is within tolerable levels, none of the individual schools in the area have significant surplus places or because other actions have been identified that will reduce capacity and / or address viability in an area.

As referred to in section 2.6 above, the local authority undertook a pre-publication consultation on the proposed closure of Broad Oak between 5 July and 11 October 2019.

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

By the end of the consultation period a total of 293 responses had been received, 276 via the consultation hub and 17 by letter or email to the consultation inbox. A number of individuals also emailed elected members and officers separately and in some cases on more than one occasion. Some respondents chose to complete both the online response form and submit an email / letter response. All of the responses to the consultation are available for elected members to view in the Cabinet and Members’ rooms.

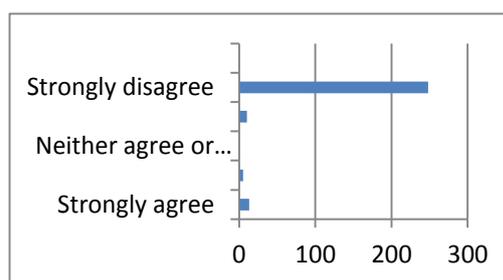
One response was received after the consultation period closed. This has not been taken into account in the analysis below.

A petition containing 138 signatures objecting to the proposed closure of Broad Oak was submitted before the end of the consultation period. A further petition on the [local authority’s website](#) is ongoing and closes on 31 December 2019. At the time of writing it contained 1,230 signatures.

Feedback was overwhelmingly in support of keeping the school open.

A summary of the 276 consultation hub responses is provided below.

Strongly agree	13	4.7%
Agree	5	1.8%
Neither agree or disagree	0	0.0%
Disagree	10	3.6%
Strongly disagree	248	89.9%
Not answered	0	0.0%
Total	276	



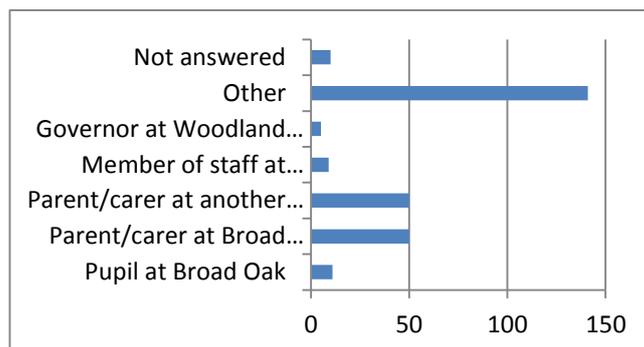
It would appear from the comments received that 7 of the 13 respondents who ticked ‘strongly agree’, identified in the table above, actually disagree with the proposal and simply ticked the wrong box. This would take the total number of objections to 265 or 96%. It is clear that respondents who chose to email and write letters also object to the proposal.

Respondents who agree that the school should close number 11 or 4% (reduced to take account of those that ticked the wrong box). Those in favour commented that closing the school would help to

secure other schools in the local area; that pupil's learning outcomes would be likely to improve at other schools and that Broad Oak is providing a poor quality of teaching and should close.

Respondents identified themselves as:

Pupil at Broad Oak	11	4.0%
Parent/carer at Broad Oak	50	18.1%
Parent/carer at another school	50	18.1%
Member of staff at Broad Oak	9	3.3%
Governor at Woodlands Federation	5	1.8%
Other	141	51.1%
Not answered	10	3.6%
Total	276	



The majority of respondents classified themselves as 'other'. Although not everyone that ticked 'other' gave details, at least 46 identified as members of the local community. 15 identified as relatives of staff and/or pupils at the school whilst 29 identified as past parents or past pupils of the school. 'Other' respondents also included, but were not limited to, a local headteacher, ex-members of staff, staff at other schools, friends of families at Broad Oak, a local GP and the Heathfield and Waldron Parish Council. The governing board of The Woodlands Federation did not submit a collective response.

In total, 70 online responses were received from pupils, parents and carers and members of staff at Broad Oak. There were also individual responses from five governors of the Woodlands Federation and the clerk to the governing board. It could therefore be said that at least 76 of the 276 respondents would be directly affected by the proposal. In addition, many local residents would argue that they too would be directly impacted as they see the school as the heart of the community.

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?

The overall population in East Sussex has grown steadily in the last 10 years, rising from 519,197 in 2008 to 554,590 in 2018. In Wealden District the population has grown from 146,539 to 160,175 in the same period.

Population change (all ages) between 2001 and 2018

Year	Population 2008	Population 2018	Change	% change
East Sussex	519,197	554,590	+35,393	6.8%
Wealden District	146,539	160,175	+13,636	9.3%

Source: ONS Mid-year estimates 2018, East Sussex in Figures (ESiF)

By 2032 the population in East Sussex is projected to increase by 10% and by 18.6% in Wealden District.

Population projections (all ages) from 2017 to 2032

Year	Population 2017	Population 2032	Change 2018-2032	% change 2018-2032
East Sussex	552,259	607,473	+55,214	10.0%
Wealden District	158,941	188,473	+29,532	18.6%

Source: Population projections (dwelling led) 2017-2032 – districts, April 2019, ESiF

The picture for East Sussex as a whole is of an ageing county. The proportion of the population aged 65 and over is forecast to rise from 25.4% in 2017 to 32.1% in 2032. At the same time the proportion of 0-10 year olds in the county is projected to fall from 11.7% in 2017 to 10.4% in 2032. In Wealden District the proportion of 0-10 year olds is projected to fall from 11.5% in 2017 to 10.8% in 2032.

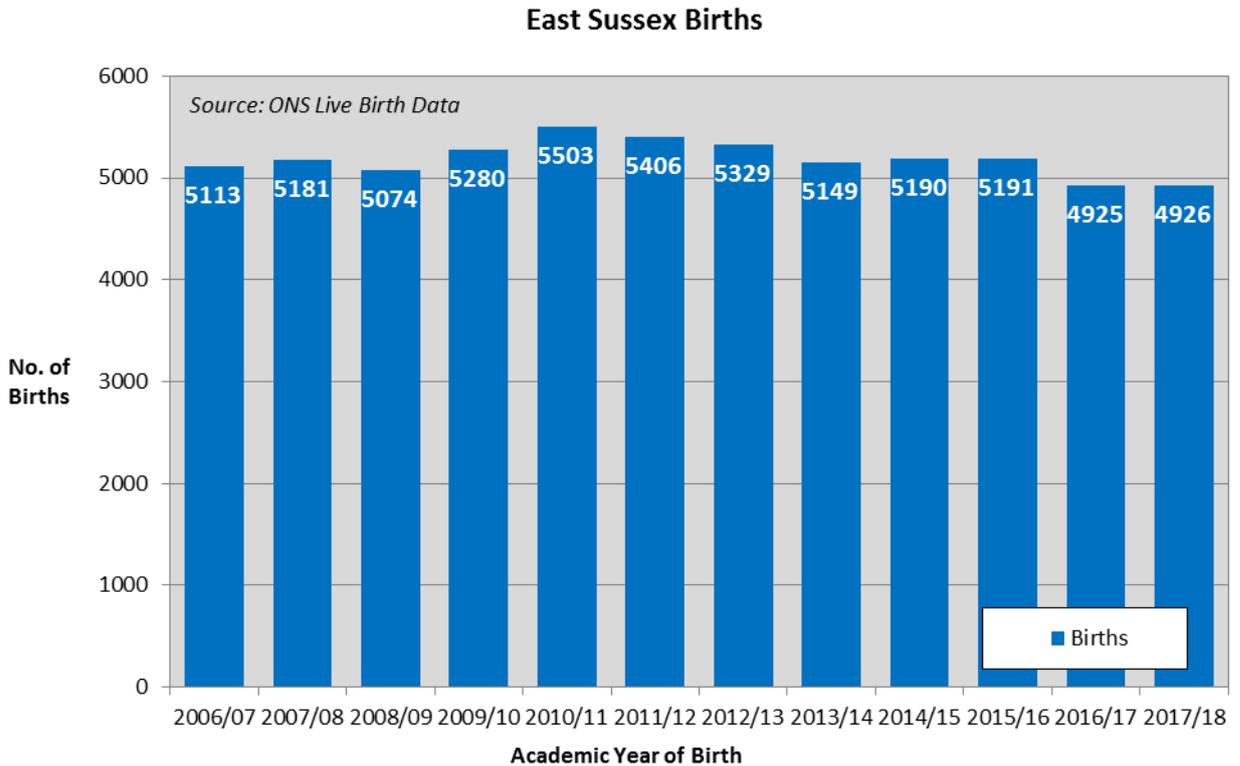
Population projections by age group 2017-2032

Age group	East Sussex				Wealden District			
	2017	Proportion	2032	Proportion	2017	Proportion	2032	Proportion
0-10	64,695	11.7%	63,302	10.4%	18,271	11.5%	20,418	10.8%
11-17	41,350	7.5%	45,243	7.5%	12,437	7.8%	14,166	7.5%
18-64	305,744	55.4%	303,659	50%	87,229	54.9%	93,418	49.6%
65+	140,470	25.4%	195,269	32.1%	41,004	25.8%	60,471	32.1%
Totals	552,259	100%	607,473	100%	158,941	100%	188,473	100%

Source: Population projections (dwelling led) 2017-2032 – districts, April 2019, ESiF

This reflects that the birth rate in East Sussex, in line with national trends, has fallen since 2010/11 as illustrated in the chart below.

East Sussex births

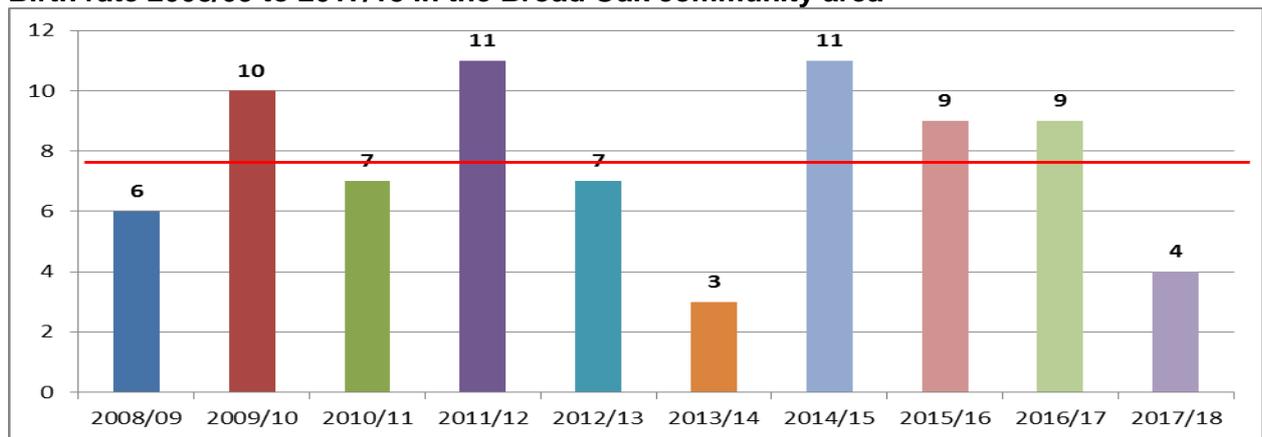


At the May 2019 school census 38,637 pupils were educated in 151 state-funded primary schools (including all-through schools) in East Sussex. In Wealden District 10,600 pupils attended 54 state-funded primary schools.

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

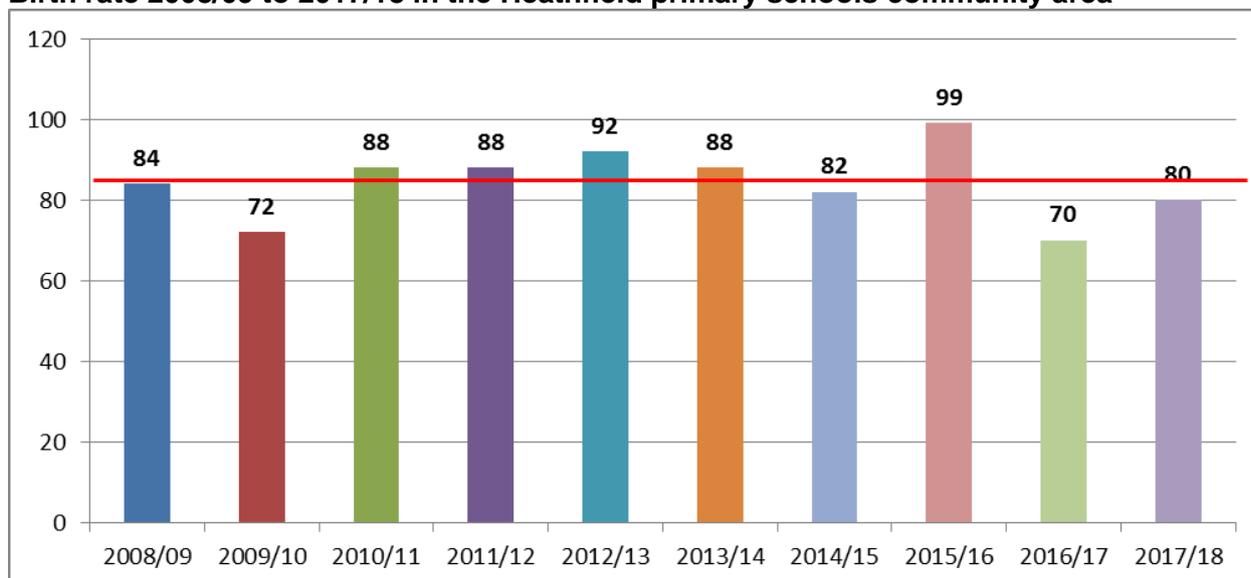
Over the last 10 years, births in the Broad Oak community area have averaged fewer than eight a year, with a high of 11 and a low of three, as illustrated below.

Birth rate 2008/09 to 2017/18 in the Broad Oak community area



In the same period, births in the Heathfield community area have averaged fewer than 85 a year, with a high of 99 and a low of 70 as demonstrated below.

Birth rate 2008/09 to 2017/18 in the Heathfield primary schools community area

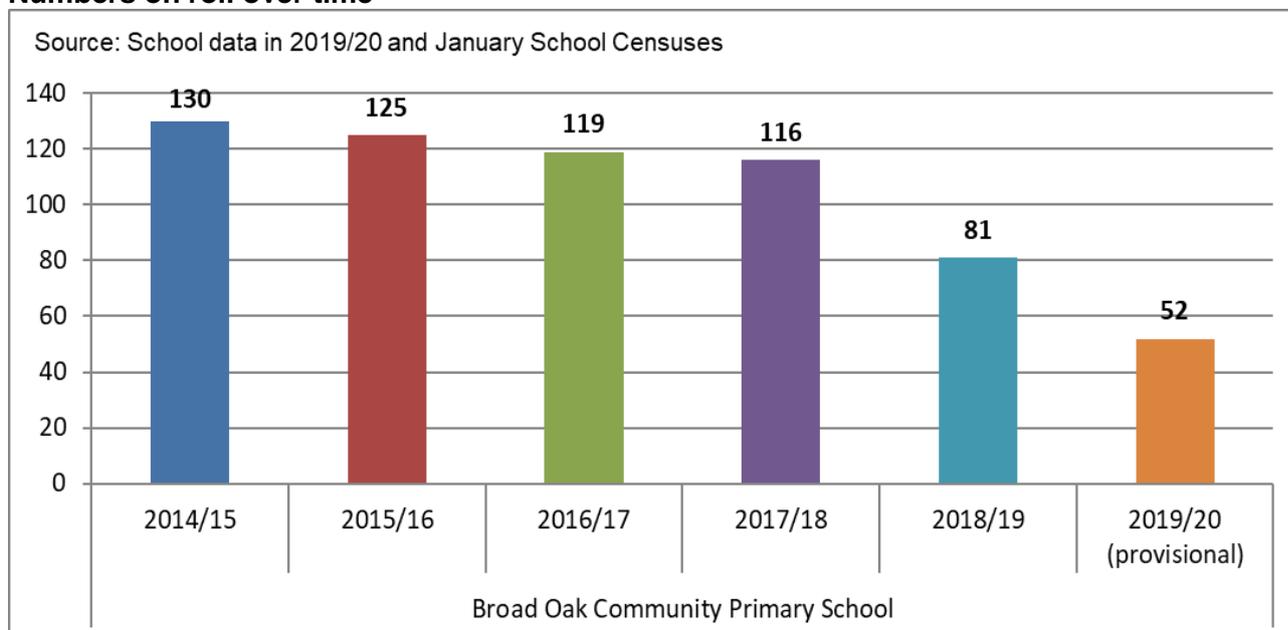


Based on births alone the combined published admission number (110) of the three Heathfield schools (All Saints' and St Richard's CE Primary School, Cross-in-Hand CE Primary School and Parkside Community Primary School) would have been sufficient in each year of the ten years to accommodate all of the children born in the Heathfield and Broad Oak community areas.

In May 2019 there were 68 children living in the Broad Oak community area attending state funded schools in East Sussex. Of these, 30 (44%) attended Broad Oak.

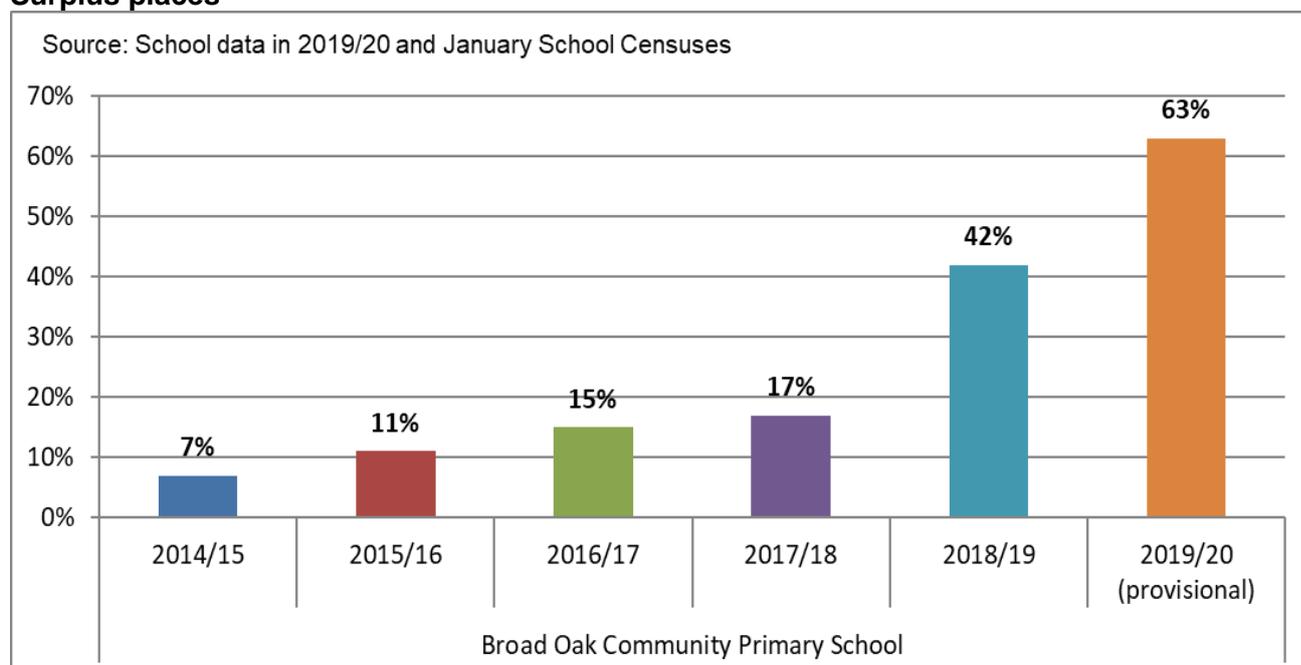
Pupil numbers at the school have been falling since 2014/15, as illustrated. From the school's pupil number return in October 2019 there are 52 pupils currently on roll against its capacity of 140.

Numbers on roll over time



As a result of falling pupil numbers at the school the percentage of surplus places continues to grow; the surplus for the 2019/20 academic year is 63%.

Surplus places



Many respondents challenged the data that was provided in the Lead Member report and the subsequent consultation document, and the apparent inaccuracies when compared to data publically available through East Sussex in Figures (ESiF). For example, ESiF states that the population in Wealden District is estimated to grow by 18.6% between 2017 and 2032. Respondents appear to have taken this district-wide figure and assumed it applies to each area of the district including Broad Oak. The Broad Oak consultation document included data on historic actual and short-term forecasts of pupil numbers. However, ESiF does not publish local level population forecasts. The main reason that the two sets of historic totals may differ is that the ESiF figures relate to the number of children living in the local area, whereas the pupil number actuals given are for those children attending Broad Oak. Not all children who live in the local area attend the local school. Some will attend schools in Heathfield and other areas, while some will be educated in the independent sector. Similarly, Broad Oak has a number of pupils on roll who live in other areas.

Additionally, the Lower Super Output Area boundaries used in the ESiF estimates do not necessarily correspond to the Broad Oak admissions community area. Development in Wealden is primarily focussed in the more urban areas of Hailsham, Polegate, Stone Cross and Uckfield where infrastructure generally supports growth. To a lesser extent areas such as Horam and Heathfield will also see some growth, while villages like Broad Oak will see very little new development.

Wealden District Council provides regular updates on housing numbers and trajectories to inform the local authority's pupil forecasts. The most recent update was provided in spring 2019 and showed that just short of 600 homes are planned in Heathfield and Waldron Parish during the Wealden Local Plan period between 2018/19 and 2027/28. Within this total the Wealden Local Plan sets a windfall allowance of 50 dwellings for the village of Broad Oak over the same period.

The local authority's published pupil yields from new housing are provided below.

Pupil yields from new homes

Pupil yield per new dwelling by property type and size	Houses 2 bed+	Flats 2 bed+	Houses / flats 1 bed
Primary schools	0.25	0.0375	0.00

Taking these pupil yields into account and assuming that all new homes are houses with two bedrooms or more, in Heathfield and Waldron Parish as a whole the local authority estimates 150 additional primary age pupils would be generated across all year groups from new homes over a

ten year period (approximately 21 additional pupils per year group over the period). The housing specifically in the Broad Oak community area would, over the same period, generate an estimated 12 to 13 additional pupils (approximately 2 additional pupils per year group over the period). The demand for places is therefore likely to be in Heathfield rather than in Broad Oak. The local authority's pupil forecasts take account of these housing figures and the likely demand for school places they will generate.

186 (67.4%) of the 276 respondents to the consultation chose to answer the question 'How old are you?' 32.6% preferred not to say or did not answer the question. The breakdown of ages was as follows.

Age group	Total
0-10	3.6%
11-17	1.4%
18-64	53.6%
65+	8.7%

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?

Pupils currently in Reception to Year 5 at Broad Oak, and their families, would be most affected by the proposal as they would have to access alternative primary schools in the surrounding area in the event that Broad Oak closed.

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

The proposal would impact on the 35 pupils currently on roll in Reception to Year 5. The Year 6 cohort will move on to secondary education at the end of the current academic year and so will not be affected by the closure in terms of their school place.

e) 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 ensure there are sufficient school places to meet demand. In line with this duty every pupil at Broad Oak would be offered a place at an alternative school, many of which are likely to be closer to their home address and all of which have a better Ofsted rating than Broad Oak. Therefore no pupils would be disadvantaged in their education because of their age.

f) Provide details of the mitigation.

The local authority would take all practicable steps to ease the transition for all pupils, most especially for vulnerable groups such as those with an Education, Health and Care Plan (EHCP) or those identified as needing SEN support. The local authority would work with receiving schools to arrange transition days for pupils to familiarise themselves with their new environments.

In addition to the mitigations outlined above, the receiving schools would be asked to identify buddies for the incoming pupils to help further ease transition by ensuring there is a familiar face and an introduction to new friendship groups.

The majority of pupils currently attending Broad Oak are from out of area while a number of children living in the village travel to other schools. The majority of pupils therefore already face journeys to and from school each day. Should the school close the likely impact on traffic and the environment could potentially be reduced if the majority of displaced pupils attend schools nearer to their home address. Free transport would be provided to eligible children. Latest

analysis shows that 5 pupils might be eligible for free transport to their nearest alternative school. The cost to the local authority would be negligible as either the pupils are already in receipt of free home to school transport or arrangements are already in place to the alternative schools. The local authority acknowledges that some pupils living in Broad Oak and attending the school might face longer journeys to and from an alternative school each day. However, for the majority their nearest alternative school is within statutory walking distance.

It is envisaged that displaced pupils would continue to be transported to and from school under arrangements made by their parents and carers and that, given the majority of pupils would be able to attend a school nearer to their home address it is unlikely there would be a noticeable increase in car usage. To the contrary, it would be hoped that car usage would reduce.

g) How will any mitigation measures be monitored?

The local authority 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?

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 Wealden District at 26,112.

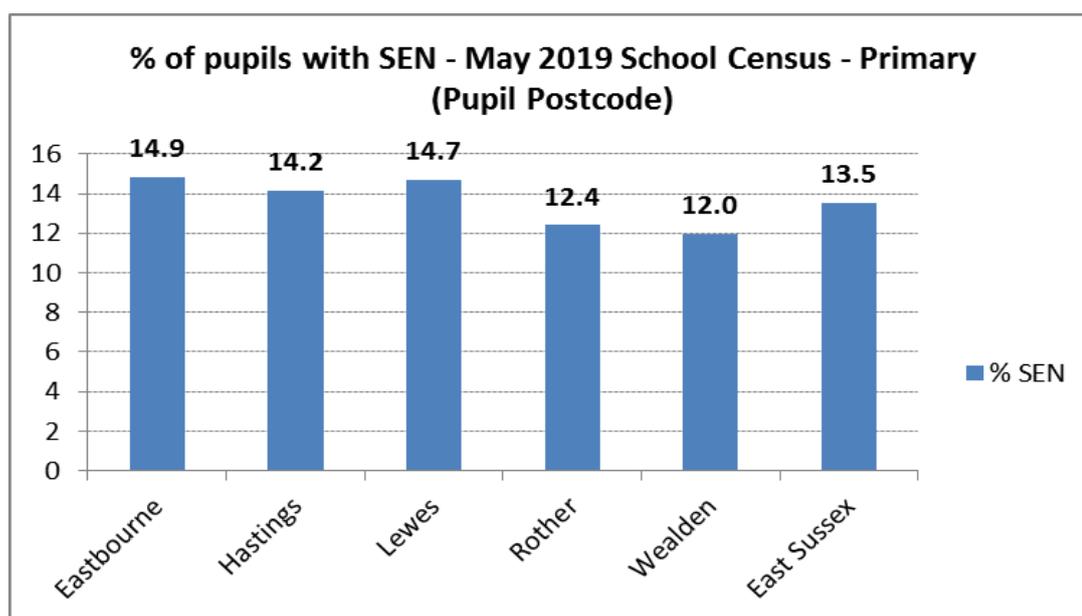
Dataset: Disability projections (dwelling-led), 2017-2032 - districts

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
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	26,676	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 May 2019 school census there were 9,116 pupils (13.5%) recorded as having Special Educational Needs (SEN) being educated in state funded schools in East Sussex (of which 155 reside outside of East Sussex). The number in Wealden District was 2,145, or 12% of the district's school age population.



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

SEN data for Broad Oak from the last academic year showed that the percentage of SEN pupils at the school was 21.7% (18 out of 83). Unless a child has an EHCP, the determination of whether a child has SEN is down to individual schools in consultation with parents and the threshold varies between establishments. However, the percentage at Broad Oak is significantly higher than for East Sussex as a whole and for other Wealden schools.

Source May 2019 school census

Fewer than five children on roll at Broad Oak have an EHCP.

5.8% of respondents to the consultation answered 'yes' to the question 'Do you consider yourself to be disabled as set out in the Equality Act 2010?'. 85.5% answered 'no' while 8.7% preferred not to say or did not answer the question.

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 impact on pupils, particularly those with special educational needs (SEN), is a concern for a number of respondents. They question the ability of other schools to provide for pupils with additional needs, referencing what they perceive to be the nurturing ethos of Broad Oak and the expertise of staff to support pupils with emotional, physical and health needs. There is anxiety amongst parents that other schools would not be able to replicate the SEN offer at Broad Oak.

Chapter 6 of the SEND Code of Practice explains the action that mainstream schools should take to meet their duties in relation to identifying and supporting all children with SEN whether or not they have an Education, Health and Care (EHC) plan. Chapters 6.36 to 6.39 state:

'Teachers are responsible and accountable for the progress and development of the pupils in their class, including where pupils access support from teaching assistants or specialist staff.

High quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have or may have SEN. Additional intervention and support cannot compensate for a lack of good quality teaching. Schools should regularly and carefully review the quality of teaching for all pupils, including those at risk of underachievement. This includes reviewing and, where necessary, improving, teachers' understanding of strategies to identify and support vulnerable pupils and their knowledge of the SEN most frequently encountered.

In deciding whether to make special educational provision, the teacher and SENCO should consider all of the information gathered from within the school about the pupil's progress, alongside national data and expectations of progress. This should include high quality and accurate formative assessment, using effective tools and early assessment materials. For higher levels of need, schools should have arrangements in place to draw on more specialised assessments from external agencies and professionals.

This information gathering should include an early discussion with the pupil and their parents. These early discussions with parents should be structured in such a way that they develop a good understanding of the pupil's areas of strength and difficulty, the parents' concerns, the agreed outcomes sought for the child and the next steps'.

The determination of whether a child has SEN is down to individual schools in consultation with parents and the threshold varies between establishments. All schools have the same duties under the Equality Act 2010 and the Children and Families Act 2014 to identify and provide for children with SEN and, unless there are specific provisions named in a statutory plan which would make admission incompatible with the requirement for reasonable adjustments, it is a legal requirement for all schools to comply. As barriers to learning, that a pupil with SEN might experience, change over time, the local authority would expect provision to adapt and change accordingly and, therefore, the requirements of an individual at any given time are not reflective of those in the future. In some cases, children may cease to be identified as having SEN if appropriate adjustments are put in place to enable them to overcome barriers and to make progress in line with their peers.

Attainment for SEN pupils is difficult to compare across schools due to the very small cohorts. As would be expected for this cohort, at Broad Oak and all the alternative schools, some SEN pupils attain at the expected standard and some do not.

Respondents identified the care suite at Broad Oak and their concern about the perceived lack of alternative care suites at other schools in the area. There are care suites at four alternative schools in the wider area, at:

- Cross-in-Hand CE Primary School – full facilities available
- Hawkes Farm Primary Academy – full facilities available
- Park Mead Primary School – full facilities available but some steps between the infant and junior parts of the building
- Punnetts Town Community Primary School – full facilities available

Many respondents also referred to the impact of the proposed school closure on the mental health and wellbeing of pupils, parents and carers, staff and the wider local community. Local authority support is available to schools, children and families for mental health and emotional wellbeing as set out in Appendix 4 of the Lead Member report.

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

If Broad Oak were to close the local authority, is confident that teaching staff at other schools would manage the transition of any pupils to their new school by working with parent/carers and staff at Broad Oak to identify the strengths and interests of the pupils. This information would then be used to inform curriculum planning and create a sense of belonging through displays in the environment, ensuring that the pupils build relationships with staff and pupils in the new school as quickly as possible. Staff in the new school would also talk to parents and carers and staff at Broad Oak to ensure they were aware of any additional needs or anxieties the pupil may have, so these could be well supported. This could be through an additional ‘taster’ visit to the new classroom, allocating a peer as a ‘buddy’, allocating a named adult that would greet the pupil every morning and check in on them during the day or creating a photobook of the classroom and key staff for the pupil to keep at home. 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 put in place for the transition arrangements.

The local authority would take all practicable steps to ease the transition for pupils, most especially for vulnerable learners and those with SEN including working with Broad Oak to identify any pupils who may require additional support from ISEND specialist practitioners prior to and following the change. For example, the Communication Learning Autism Support Service (CLASS) would provide individual or small group sessions to reduce anxiety for any pupils with Autism who require it and the Education Support Behaviour and Attendance Service (ESBAS) would provide individual or small group sessions on managing strong feelings and/or building new friendships for pupils with mental health or wellbeing needs who are identified as needing that additional support. This package of support around individual pupils would be provided free of charge to Broad Oak and the next school. The majority of pupils, including those with SEN, will be able to manage the change successfully without additional support from ISEND services, through well-planned preparation and transition activities involving staff at Broad Oak and the pupil's next school.

e) Provide details of any mitigation.

Broad Oak is a mainstream school. All mainstream schools are required to meet the individual needs of all their pupils including those with SEN and disability, as set out in the SEND Code of Practice and the East Sussex Quality Mark for Inclusion (ESQMI). 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 Broad Oak and all schools would be expected to provide the same level of care as that provided at Broad Oak.

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 children with a disability, and the local authority 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 special educational needs.

f) How will any mitigation measures be monitored?

The local authority would 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 would continue to monitor regularly the outcomes at all schools for these pupils.

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 (84.9% in primary 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) (14.2% in primary schools).

In Wealden District 90.2% of pupils are WBRI (90.4% in primary schools); 8.8% are BME (9.2% in primary schools).

English as an Additional Language (EAL)

The proportion of pupils with EAL in East Sussex primary schools according to the May 2019 school census is 5.9% (6.8% in primary). In Wealden District the figure is 2.5% (2.7% in primary schools).

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

Ethnicity

98.8% of pupils, who attend Broad Oak according to the January 2019 school census, are WBRI, 1.2% are BME.

81.9% of respondents to the consultation who chose to answer the question 'To which of these ethnic groups do you feel you belong?' identified themselves as WBRI with 6.5% as BME. 11.6% preferred not to say or did not answer the question.

EAL

No pupils currently on roll at the Broad Oak have EAL.

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?

Pupils currently in Reception to Year 5 at Broad Oak, and their families, would be affected by the proposal regardless of ethnicity as all would have to access alternative primary schools in the local area.

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?

According to the May 2019 school census, 51.5% of pupils in East Sussex (51% in primary schools) are male and 48.5% (49% in primary schools) are female.

51.5% of pupils in Wealden District (51.4% in primary schools) are male and 48.5% (48.6% in primary schools) are female.

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

According to the May 2019 School Census the percentage of pupils attending Broad Oak who are male is 54.2% and female, 45.8%.

25% of the respondents to the consultation who chose to answer the question 'Are you...?' identified as male with 67.4% identifying as female. 7.6% preferred not to say or did not answer the question.

Less than 1% of respondents identified as a transgender or trans person.

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?

Pupils currently in Reception to Year 5 at Broad Oak, and their families, would be affected by the proposal regardless of gender as all would have to access alternative primary schools in the local area.

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

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

4.5 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/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.

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

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

N/A

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?

In the 2011 Census, 59.9% of the population of East Sussex identified as Christian. 29.6% stated they had no religion. 0.8% identified as Muslim, 0.4% as Buddhist, 0.3% as Hindu, 0.2% as Jewish and 0% as Sikh.

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

In the 2011 Census, 64% of the population of Wealden identified as Christian. 26.3% stated they had no religion. 0.4% identified as Muslim, 0.3% as Buddhist, 0.1% as Hindu, 0.2% as Jewish and 0% as Sikh.

30.4% of respondents to the consultation who chose to answer the question 'Do you regard yourself as belonging to any particular religion or belief?' regarded themselves as belonging to a particular religion or belief. 51.8% stated they had no religion. 17.8% preferred not to say or did not answer the question.

28.3% of respondents identified as Christian, 1.1% as Buddhist and 2.2% as other.

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?

Currently 58% of school places in the Heathfield area are faith based and 42% are non-denominational. If Broad Oak closes this would change to 64% faith based and 36% non-denominational.

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

Some pupils currently at Broad Oak, which is non-denominational, may be offered places at faith based schools in the local area.

A number of respondents stated that there would be an imbalance of non-denominational provision in the area if Broad Oak were to close. They state they would be unhappy with a faith based education for their children, referencing the Human Rights Act 1998 which states that parents have a right to ensure that their religious and philosophical beliefs are respected during their children's education. Parents argue that the same should apply to those that do not wish to have a religious education.

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

All non-denominational state funded schools in England have to provide collective worship of 'a broadly Christian character'. Faith schools will provide worship in accordance with the trust deeds related to the school. The Diocese of Chichester Board of Education recognises '*that Church schools serve the whole community and are not exclusive to worshiping families*'. Parental preference would be considered where possible when allocating alternative school places to pupils at Broad Oak but parents do have the right to have their children excused from worship in any state funded school, whether non-denominational or faith based.

The three non-denominational schools in the Heathfield area other than Broad Oak (Parkside, Punnetts Town and Maynards Green) currently have 10 spare community school places between them. Other community schools are available in the wider area surrounding Heathfield, for example in Hailsham where a number of pupils on roll at Broad Oak live.

e) Provide details of any mitigation.

N/A

f) 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 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: Deprivation

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

Reflecting that Wealden is one of the 20% least deprived districts in England, 9.7% of children in the District are living in poverty. This is significantly lower than the proportion for East Sussex as a whole, 16.1% (source: 2019 Indices of Deprivation).

Pupil premium funding is given to schools to address any inequalities and target effective in-school support. Pupil premium funding is given based upon the number of pupils from low-income families who are currently known to be eligible for free school meals or have been eligible over the last six years (Ever6FSM). Also pupils who are / have been looked after by the local authority.

According to the January 2019 school census, 23.1% of pupils in East Sussex (21.5% in primary schools), according to the January 2019 school census are Ever6FSM. 14.9% of pupils in Wealden District (13.4% in primary schools) are Ever6FSM.

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

22.2% of pupils attending Broad Oak are Ever6FSM which is broadly in line with the East Sussex average.

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?

Pupil premium funding is attached to the pupil and so the additional funding would be available to any new school that the pupil attends. Therefore, it is not considered that a change of school would have a disproportionate impact on these pupils.

Attainment for FSM pupils is difficult to compare across schools due to the very small cohorts. As would be expected for this cohort at Broad Oak and all the alternative schools, some FSM pupils attain at the expected standard and some do not.

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

Families of pupils eligible for pupil premium may be disproportionately affected by additional costs for travel or a new uniform.

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 pupils.

There is no uniform grant from the local authority, however, many schools make special arrangements for pupils entitled to Free School Meals and many schools sell second hand uniforms at low prices.

f) Provide details of the mitigation.

The local authority and affected schools have a duty to support appropriate transition arrangements and the local authority would take all practicable steps to ease the transition for pupils, most especially for vulnerable learners, including those who are Ever6FSM. Should Broad Oak 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 would be a

significant number of pupils making the transition at any one time, including a number of pupils from the Ever6FSM cohort. Therefore additional support would 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 a loss of support networks, and the local authority 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 Ever6FSM 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.

g) How will any mitigation measures be monitored?

The local authority would 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 Ever6FSM. The local authority will continue to monitor the outcomes at all schools for these pupils.

4.10 Other: Community Impact

See Appendix 5 of the Lead Member report for the Community Impact Assessment.

4.11 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.**

The local authority considers the proposal to be a proportionate and positive response to the issues that have arisen regarding Broad Oak. It considers that all pupils impacted by the proposal, should it proceed, would be enabled to receive a good quality of education. The local authority does not consider that the proposal potentially interferes with a human right.

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.	The proposed closure of Broad Oak is appropriate on the basis of concerns over the long term viability of the school, in relation to its predicted ongoing budget deficit, the high number of surplus places at the school and in the area, its location in relation to demand arising from local pupil numbers and the quality of education.
	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.	Pupils currently attending Broad Oak would be guaranteed a place at another primary school. All other local primary schools have higher Ofsted ratings and are required by law to provide the same level of support for vulnerable pupils.
	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	Any potentially negative impact on pupils, including those with SEN who are over-represented in the cohort and those who are Ever6FSM, would be mitigated by the local authority working with the new schools to put in place effective transition arrangements. No particular group of pupils should be affected more than another.
	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.	Free home to school transport would be provided for eligible pupils. The majority of pupils at Broad Oak live nearer to an alternative school. The local authority acknowledges that some pupils living in Broad Oak might face longer journeys to and from an alternative school each day. However, for the majority their nearest alternative school is within statutory walking distance.

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 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 Ever6FSM and boys/girls.

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

This would be subject to the decision at the Lead Member meeting on 23 December 2019.

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

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)