



# Equality Impact Assessment

## Project or Service Template

Name of the proposal, project or service
<b>Schools Basic Need Capital Programme</b>

File ref:	Schools Basic Need Capital Programme to 2023/24	Issue No:	1.0
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## **Part 1 – The Public Sector Equality Duty and Equality Impact Assessments (EIA)**

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

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

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

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

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

These are sometimes called equality aims.

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

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

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

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

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

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

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

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

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

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

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

1.6.3 *Some key points to note :*

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

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

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

### 2.1 What is being assessed?

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

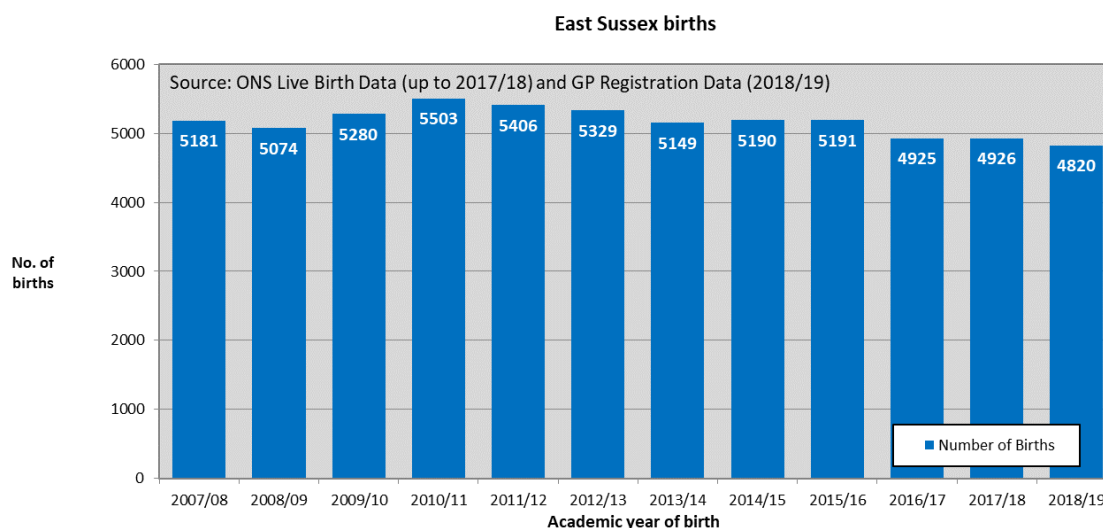
Schools basic need capital programme to 2023/24

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

East Sussex County Council (the local authority) has a statutory duty to ensure that there are sufficient school places in the right locations to meet demand. We are responsible for promoting a good supply of school places that offer high quality education through planning, organising and commissioning places in a way that raises attainment, increases diversity, encourages collaboration between schools and promotes community cohesion. We seek to achieve this in partnership with key stakeholders including headteachers, governors, academy trusts, parents and carers, dioceses, local planning authorities and local communities.

The schools basic need capital programme enables the local authority to deliver new places in the areas of greatest demand.

In East Sussex, births countywide have fallen to 4926 in 2017/18, having peaked at 5503 in 2010/11. The following chart demonstrates this. The forecast for 2018/19 is an estimate based on under one-year olds registered with general practitioners (GPs) as at 31 August 2019.



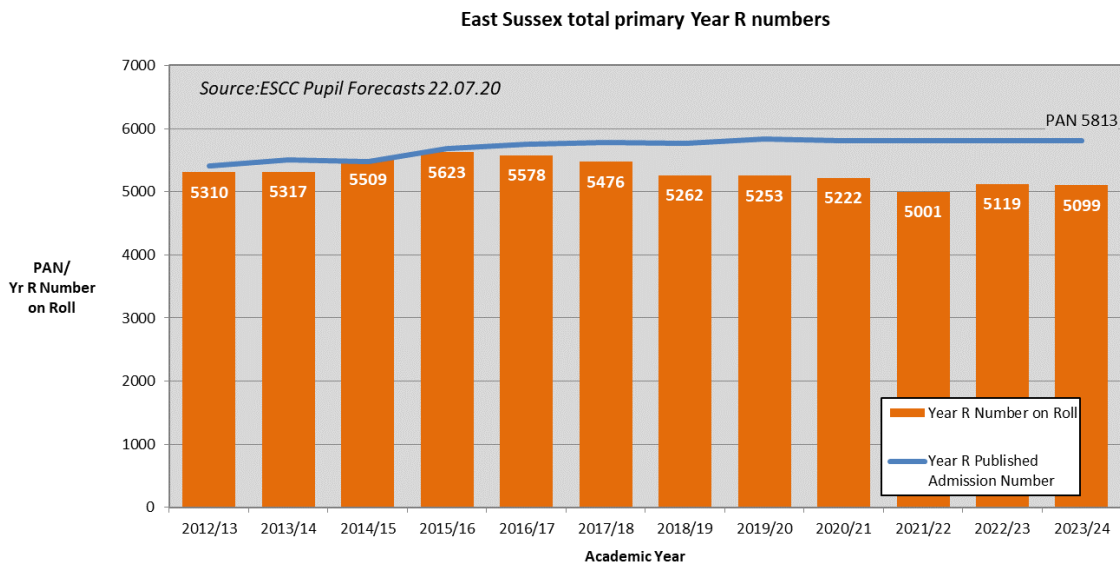
### Primary school places

The fall in countywide births is reflected in generally falling primary reception year (Year R) intake numbers since 2015/16. Intake numbers are forecast to remain low until at least 2023/24. The local authority's pupil forecasting model is showing numbers increasing beyond this point. However, intake forecasts beyond 2023/24 are based on demographic projections of future births rather than actual live birth or GP registration data and are less certain. Looking at previous cycles of births and

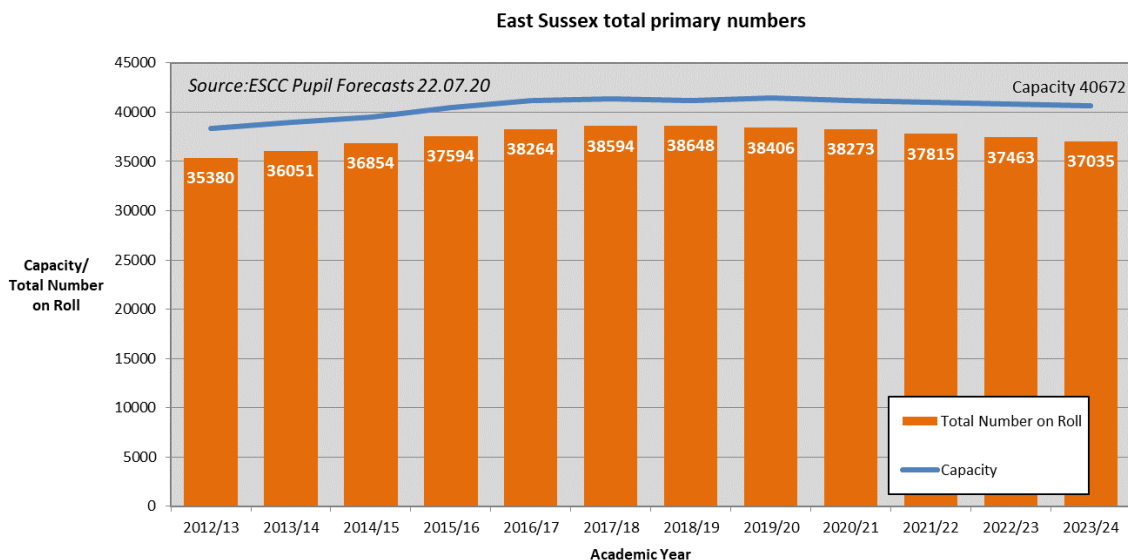
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reception intakes, it is very possible that we may not see a recovery in Year R numbers until the second half of the decade.

In areas of the county such as Hailsham and Bexhill, where high volumes of new housing are planned, Year R numbers may well rise sooner than in other parts of East Sussex.



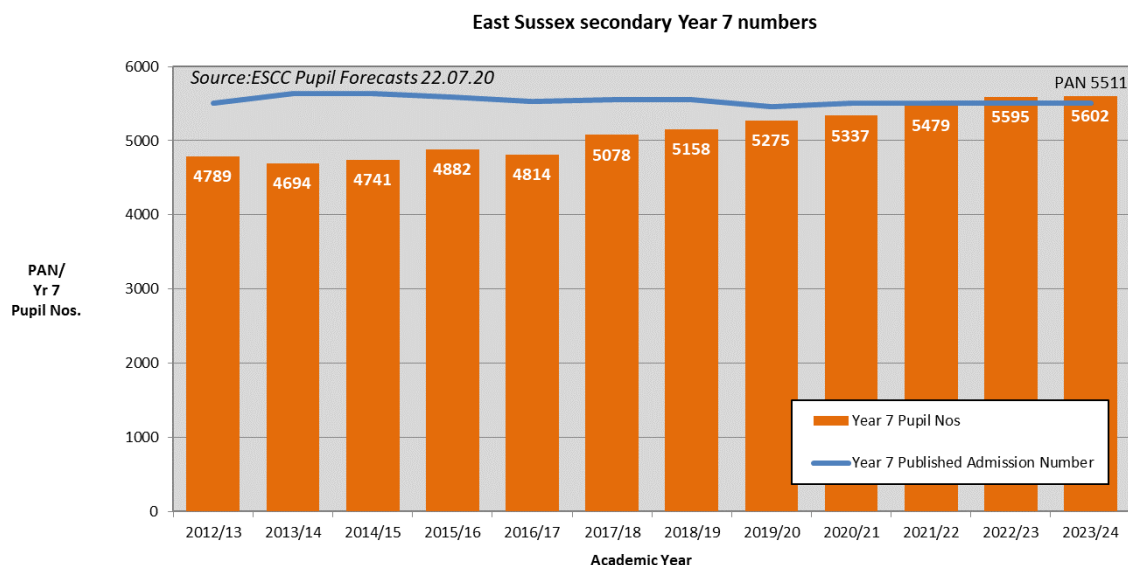
Total numbers on roll in primary schools peaked in 2018/19, and are starting to decline, currently leaving around 7% surplus places overall, although this margin will vary from area to area.



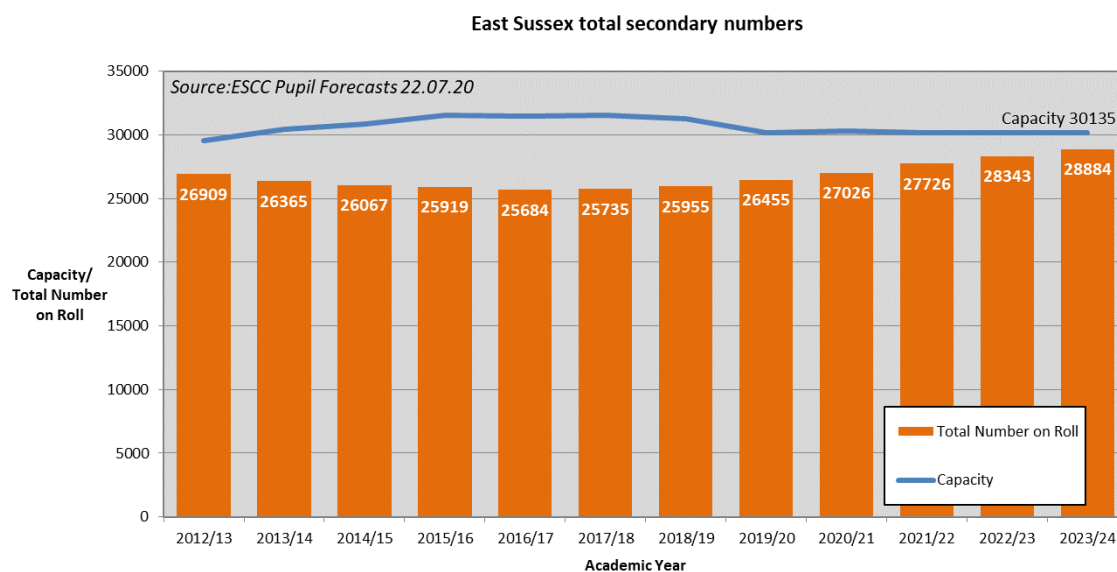
## Secondary school places

Recent high numbers in primary schools are now being reflected in rising secondary Year 7 intakes. Year 7 numbers are predicted to peak around 2022/23 or 2023/24, with total numbers on roll in secondary schools likely to peak around 2024/25 or 2025/26.

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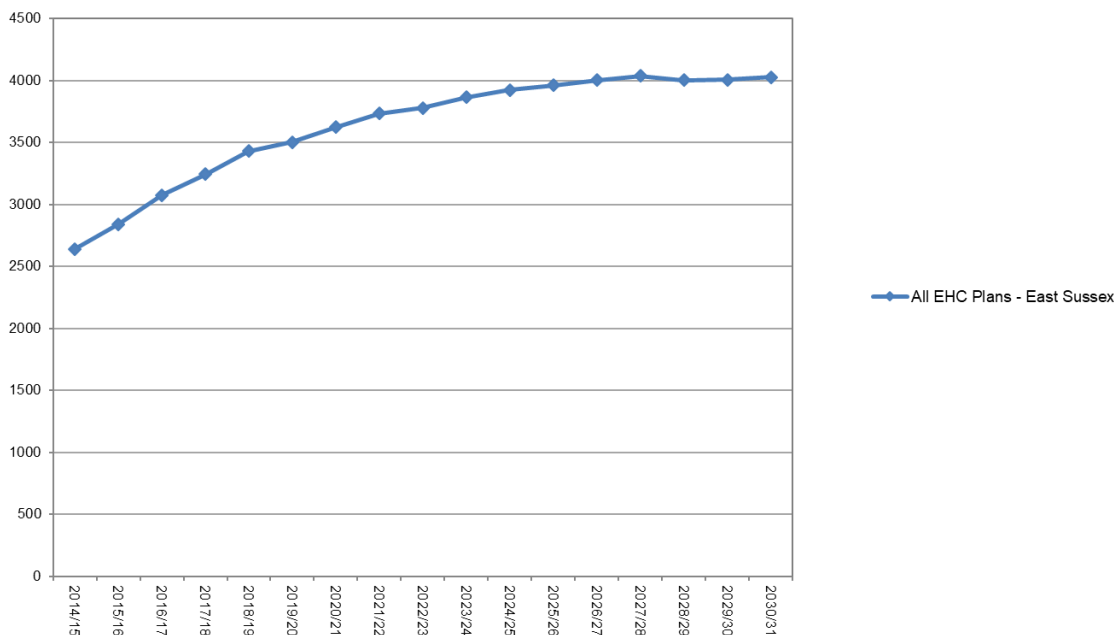
As a result of rising numbers, surplus places in secondary schools, currently at 12% countywide, are predicted to fall rapidly, meaning that by the early to middle part of the decade, compared to currently planned capacities, there will be minimal slack in the system to alleviate the impact of the pressures from rising pupil numbers.



## Special Educational Needs and Disability provision

The local authority’s Special Educational Needs and Disability (SEND) forecasting model predicts future numbers of children with SEND and Education, Health and Care Plans (EHCPs) by age, severity band of EHCP and primary need. The SEND forecasts provide clear evidence that we will continue to see an increase in the number of pupils with EHCPs over the next 10-15 years.

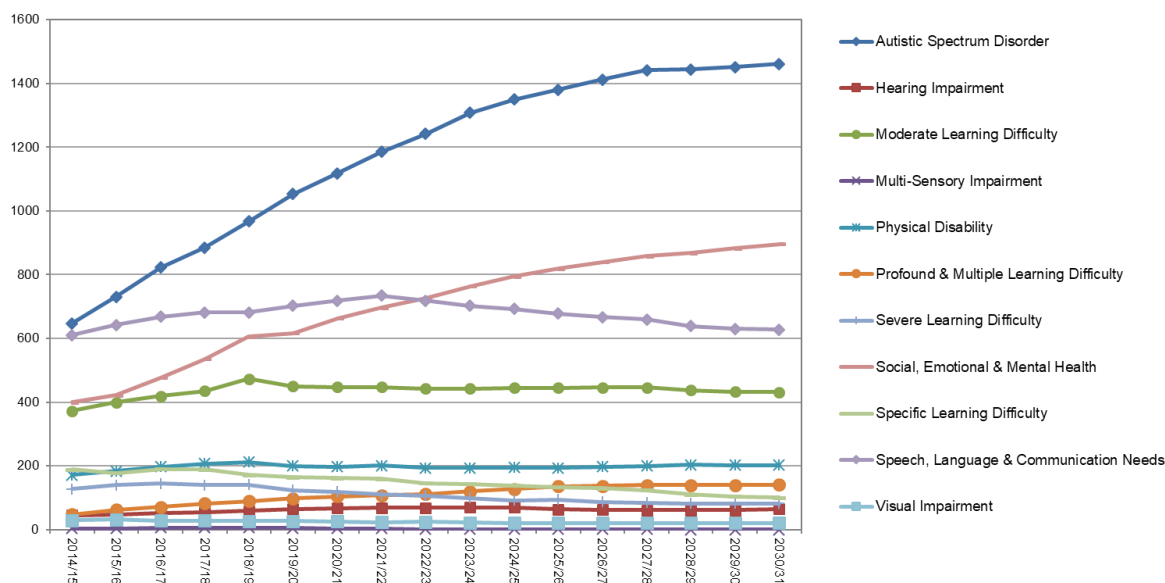
**Overall Numbers with EHCPs – Age 4-24 years**



The overall number of children and young people age 4 -24 with EHCPs has been rising in recent years and is forecast to continue to rise, as shown above. From 2019/20 to 2024/25 we are currently predicting an increase of 422 pupils with EHCPs.

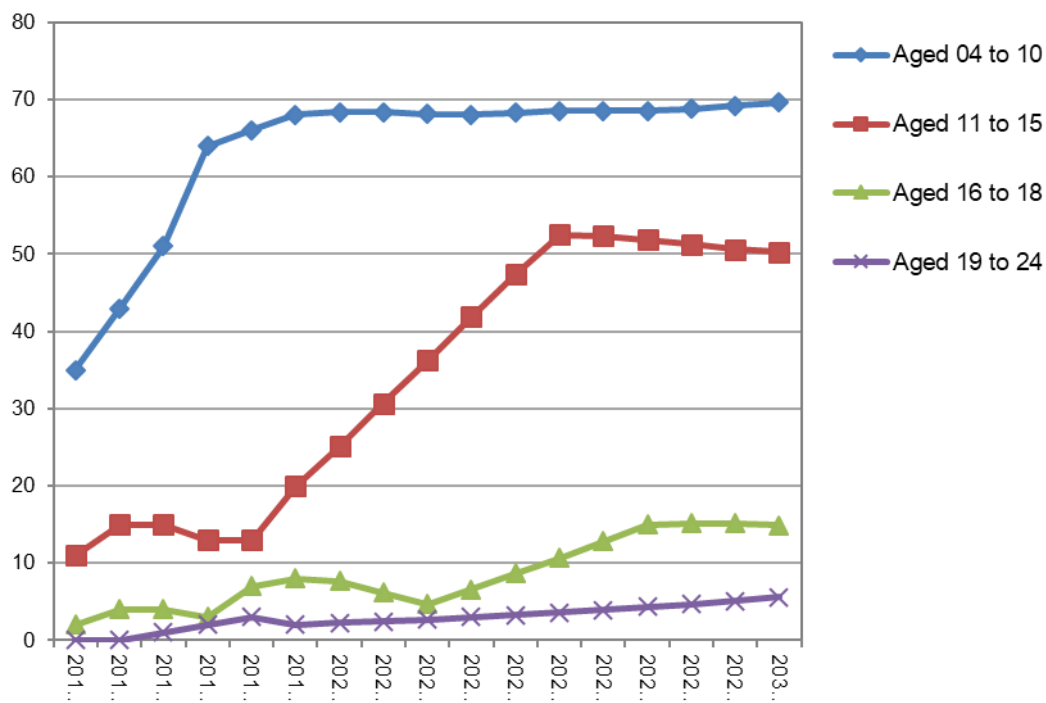
The following chart shows the historic and forecast numbers with plans by primary need group. The chart shows that the two groups with the biggest increases continue to be Autistic Spectrum Disorder (ASD) and Social Emotional and Mental Health (SEMH). Numbers in many other need groups are relatively stable.

**EHCPs by primary need group**



The chart below shows how Profound and Multiple Learning Difficulties (PMLD) pupil numbers are also predicted to continue to rise, albeit from a much lower level, as larger numbers in the primary cohort move through into secondary.

**Forecast Number of EHCPs Band A-E (ESCC Domicile Age 4-24)- PMLD**



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

Gary Langford, Place Planning Manager, Standards and Learning Effectiveness Services, Children’s Services Department

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

Children and their families will have access to local education provision.

The local authority will be able to meet its statutory duty to deliver sufficient school places, including provision for SEND pupils.

**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 will work in partnership with schools, academy trusts, dioceses, contractors and other key partners to deliver the programme. The programme is overseen by the Schools Sub Capital Board which reports to the Capital and Asset Strategy Board. Where applicable, the Lead Member for Education and Inclusion, Special Educational Needs and Disability will make final decisions on individual proposals following consultation with key stakeholders.



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

The local authority engages with groups of schools, academy trusts, dioceses, district and borough councils and local communities in drawing up proposals for school expansions and/or the establishment of new schools.

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

Local authorities are under a statutory duty to ensure the sufficiency of school places in their area.

#### **School Organisation Plan**

The School Organisation Plan (SOP) 2020 to 2024 sets out how the local authority seeks to meet the challenge of ensuring there are sufficient school places in the right locations to meet demand. The SOP is produced annually by the Standards and Learning Effectiveness Service in the Children's Services Department. The current version of the SOP was approved by the Lead Member for Education and Inclusion, Special Educational Needs and Disability on 22 October 2020 and published in November 2020.

Proposals for new schools and school expansions will be based on information contained in the SOP. The SOP is informed by the local authority's pupil forecasting model which is revised annually taking account of the following factors:

- existing and planned capacities of school places as well as published intake numbers
- existing numbers of pupils in schools (from pupil census data)
- future births and resulting primary reception numbers
- parental preference for primary and infant reception year, junior year 3 and secondary year 7 places as expressed through the school admission system
- transfer (cohort survival) rates between school year groups
- transfers and transfer rates between infant and junior and primary and secondary schools
- staying-on rates into sixth forms
- additional pupils arising from new housing development in each area.

#### **New Schools**

Where a local authority identifies the need for a new school, to meet basic need, section 6A of EIA 2006 places the local authority under a duty to seek proposals to establish an academy (free school) via the 'free school presumption'. The local authority is responsible for providing the site for the new school and meeting all associated capital and pre-/post-opening revenue costs. All new free school presumption proposals require the Regional Schools Commissioner's approval (on behalf of the Secretary of State) as it is the Secretary of State who will enter into a funding agreement with the academy trust/sponsor.

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If the free school presumption does not result in a suitable proposal, a statutory competition can be held under 'section 7' of EIA 2006. This will not require a separate application for approval, since the Secretary of State will inform the local authority that approval to hold a competition is given at the same time as informing the local authority that no suitable free school was identified.

Free school presumption proposals and proposals for foundation, foundation special and voluntary schools can be submitted into the competition. However, the Regional Schools Commissioner will consider any free school proposals first when making a decision on the case.

Any persons ('proposer') e.g. local authority or diocese may publish a proposal, at any time, for a new school outside of the free school presumption and competitions process under section 11 of EIA 2006. The Secretary of State's consent is not required in the case of proposals for:

- a new community or foundation primary school to replace a maintained infant and a maintained junior school;
- a new voluntary-aided school in order to meet demand for a specific type of place e.g. places to meet demand from those of a particular faith;
- a new foundation or voluntary school resulting from the reorganisation of existing faith schools in an area, including an existing faith school losing or changing its religious designation;
- a new foundation or community school, where there were no suitable free school proposals and a competition has been held but did not identify a suitable provider;
- a former independent school wishing to join the maintained sector; and
- a new local authority maintained nursery school.

The proposer should be able to demonstrate to the decision-maker a clear demand for the places the new school will provide.

### **Expansion of Schools**

Local authorities wishing to propose expansion of a maintained school can do so by following a statutory process in accordance with the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013.

Academies wishing to make a significant change, as defined in the Academies Act 2010, must seek the approval of the Regional Schools Commissioner or the Secretary of State.

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

The SOP is available on the East Sussex County Council website at: [Education Plans – East Sussex County Council](#)

Stakeholders are consulted on maintained school proposals in accordance with the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013. Statutory consultations relating to maintained school proposals can be found on the local authority's consultation hub at: [Consultations in East Sussex](#)

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Consultations relating to a significant change to an individual academy should be found on that academy's website.

### **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.**

In the capital programme period to 2023/24 additional/new school places are due to be created in the following areas.

#### Eastbourne

Summerdown School – new special school for 84 places for pupils aged 5-16 with autism and speech language and communication needs and 51 pupils with profound and multiple learning disabilities (PMLD), including 6 places for nursery age children. Operated by Southfield Academy Trust. Planned opening September 2022.

#### Hailsham

Hailsham Community College – expansion of secondary school by 300 places. Planned implementation September 2022.

#### Hastings

Flagship School – new special school for 72 pupils ages 7 to 16 with high functioning autism and/or a range of associated social, emotional and mental health difficulties. Operated by the Flagship School Trust. Planned opening September 2021.

Further specialist provision for SEN pupils will also be delivered by 2023/24, including special facilities in mainstream schools. The local authority is currently investigating where and how the extra places will be delivered.

In addition to the provision of permanent places, where pupil growth is identified as a short term issue, a 'bulge' in pupil numbers, the local authority will use temporary accommodation to ensure it can react quickly to provide additional places in areas of pressure. Using temporary accommodation is a recognised way of providing additional places in the short term and it provides a valuable and flexible resource to enable the local authority to fulfil its obligations. An annual programme of temporary accommodation will be funded from the schools basic need capital programme in the period to 2023/24 to facilitate this.

In the period beyond 2023/24, further school places are likely to be needed in areas linked to new housing development. On 19th February 2020 Wealden District Council (WDC) took the decision to withdraw its Local Plan after the Planning Inspector found that the plan could not proceed in its current form. Wealden District Council has subsequently embarked on the process of developing a new Local Plan. This will inevitably lead to a period of uncertainty while Wealden District Council reviews its position and begins to form an opinion on the likely quantum and location of future housing development it must plan for in the district. What is almost certain is that this will lead to a greater number of new homes being built in the district in future years. What is less certain at this stage is how much more and where in the district this might happen, and what the likely impact on education provision in those areas will be. Our plans will be updated as appropriate as more information becomes available from the Wealden Local Plan. These plans will be published in the SOP.

Another area of the county where new housing development is likely to lead to the need for additional school places in the future is Bexhill.

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

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

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

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

None received to date.

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

Statutory consultations on individual proposals will be undertaken where appropriate before final decisions are taken on which projects should be taken forward in each area of basic need.

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

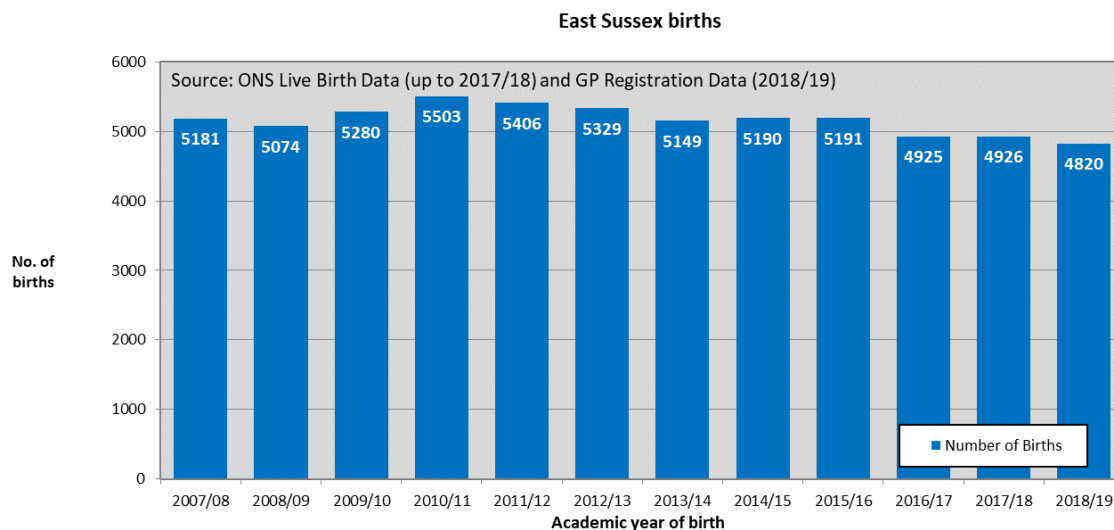
Separate EQIAs will be carried out as part of the consultation for each individual proposal. At this stage the local authority believes each proposal will have a positive impact for local children, including those with SEND, as the expansion of existing schools / provision of new schools will allow more families to access a school place in their local area. Extended or new provision will also be compliant with DDA regulations and the Equality Act 2010 for disabled pupils.

## Part 4 – Assessment of impact

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

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

In East Sussex, births countywide have fallen to 4926 in 2017/18, having peaked at 5503 in 2010/11. The following chart demonstrates this. The forecast for 2018/19 is an estimate based on under one-year olds registered with general practitioners (GPs) as at 31 August 2019.



According to the January 2020 school census, there were 64,361 children and young people aged 4-16 attending primary, secondary and special schools in East Sussex. Pupil numbers by Key Stage were:

#### Mainstream schools:

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
5,253	10,787	22,379	15,441	9,457	63,317

Source: School Census January 2020

#### Special schools (excluding PRUs):

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
50	96	274	331	226	977

Source: School Census January 2020

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

The proposals will affect children and young people of primary and secondary school age both in mainstream and special schools:

Number of children in each Basic Need Planning Area<sup>1</sup>:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Eastbourne	1,082	2,242	4,633	3,258	1,997	13,212
Hailsham	283	489	1,010	677	380	2,839
Hastings	937	2,038	4,018	2,349	1,462	10,804

<sup>1</sup> Includes special schools

Source: School Census January 2020

- 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?**

Children and young people of school age in areas of basic need will be more affected by the proposals than children and young people in other areas of the county where there is not predicted to be pressure on school places.

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

Each proposal will have a positive impact on local school age children and young people and their families as it will enable more children and young people to access a school place in their local area.

The local authority is very experienced in construction projects at schools and the health and safety of children is paramount when any building project takes place. Build programmes would be developed to minimise disruption to teaching and learning during this time.

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

The local authority does not believe the proposals will have a negative impact.

- f) Provide details of the mitigation.**

n/a

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

n/a

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

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

Disability projections published on East Sussex in Figures (ESiF) in May 2019 put the total number of people with a disability in East Sussex at 101,101.

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

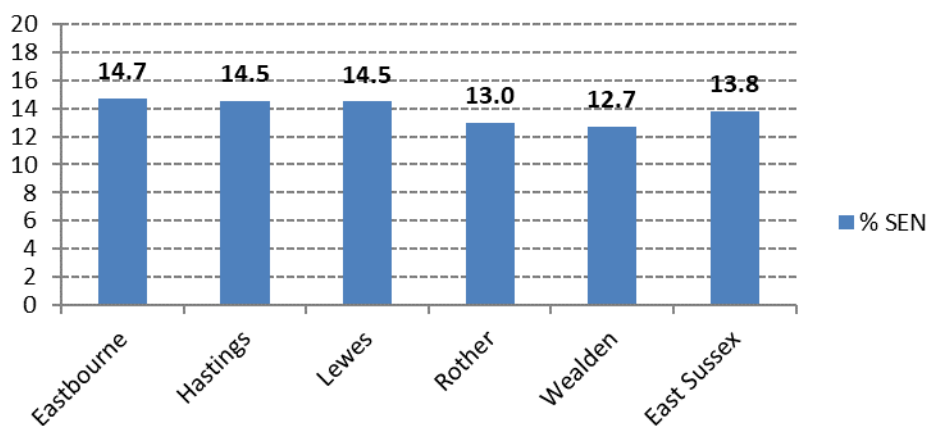
ESCC Projections May 2019

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	25,676	26,112	26,686	27,400	28,193	28,973	29,741	30,546	31,311	32,124	32,920	33,793	34,654	35,508	36,531

At the January 2020 school census there were 9,535 pupils (14.1%) recorded as having Special Educational Needs (SEN) being educated in state funded schools in East Sussex (of which 152 reside outside of East Sussex).

**% of pupils with SEN - January 2020 School Census - Primary age (Pupil Postcode)**



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

The proposals will affect all children and young people attending schools in areas of basic need including those with SEN.

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Number of pupils with SEN in each basic need planning area<sup>1</sup>:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Eastbourne	145	354	797	509	268	2,083
Hailsham	31	82	164	94	38	409
Hastings	84	350	778	468	266	1,946

<sup>1</sup> Includes special schools

Source: Schools Census January 2020

**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?**

Children and young people of school age with SEN in areas of basic need will be more affected by the proposals than children and young people with SEN in other areas of the county where there is not predicted to be pressure on school places.

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

Each proposal will have a positive impact on local school age children and young people with SEN and their families as it will enable more children and young people to access a school place in their local area. New special schools and specialist facilities will have a positive impact on children from a wider area who will be able to travel to the new provision rather than attend independent provision sometimes out of the local area or out of county.

The local authority is very experienced in construction projects at schools and the health and safety of children is paramount when any building project takes place. Build programmes would be developed to minimise disruption to teaching and learning during this time.

Each proposal will have a positive impact as all new and extended provision will be compliant with DDA regulations and the Equality Act 2010 for disabled pupils.

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

The local authority does not believe the proposals will have a negative impact.

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

n/a

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

n/a



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

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

According to the January 2020 school census, nearly 85% of the school age population (Year R – 11) in East Sussex are of White British Heritage. This is below the figure for the whole of East Sussex which stands at 91.7% of the population (taken from the 2011 census). Where ethnicity is known, just over 14% of the school age population in East Sussex are from ethnic minority backgrounds compared to 8.3% for the population as a whole in East Sussex (2011 census).

**All minority ethnic pupils on roll at mainstream schools:**

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
753	1,521	3,274	2,096	1,240	8,884

Source: School Census January 2020

**All minority ethnic pupils on roll at special schools (excluding PRUs):**

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
14	25	48	52	28	167

Source: School Census January 2020

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

The proposals will affect all children and young people attending schools in areas of basic need including those with the protected characteristic:

Number of minority ethnic pupils in each basic need planning area<sup>1</sup>

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Eastbourne	269	485	1,103	609	374	2,840
Hailsham	18	55	105	64	34	276
Hastings	172	384	925	228	309	1,814

<sup>1</sup> Includes special schools

Source: School Census January 2020

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

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

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

Each proposal will have a positive impact on local school age children and young people and their families, including those from different ethnic backgrounds, as it will enable more children and young people to access a school place in their local area.

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

The local authority does not believe the proposals will have a negative impact.

The local authority is very experienced in construction projects at schools and the health and safety of children is paramount when any building project takes place. Build programmes would be developed to minimise disruption to teaching and learning during this time.

- 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?**

Of the 64,361 children and young people aged 4-16 attending primary, secondary and special schools in East Sussex in January 2020, 31,199 (48.5%) are female and 33,162 (51.5%) are male. This compares to the East Sussex figures of 51.8% for females and 48.2% for males (2011 census).

**Mainstream schools:**

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total (%)
<b>Male</b>	2,656	5,482	11,429	7,955	4,847	32,369 (50.3)
<b>Female</b>	2,597	5,305	10,950	7,486	4,610	30,948 (48.1)

**Special schools (excluding PRUs):**

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total %
<b>Male</b>	29	77	209	249	172	736 (1.1)
<b>Female</b>	21	19	65	82	54	241 (0.4)

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

The data above shows that girls attending school in East Sussex are under-represented when compared to the figure for the county as a whole, whereas boys attending school in East Sussex are over-represented.

## Equality Impact Assessment

Gender split in each Basic Need Planning Area<sup>1</sup>:

		Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Eastbourne	M	506	1,117	2,404	1,746	998	6,771
	F	576	1,125	2,229	1,512	999	6,441
Hailsham	M	144	257	520	342	204	1,467
	F	139	232	490	335	176	1,372
Hastings	M	476	1,035	2,042	1,217	761	5,531
	F	461	1,003	1,976	1,132	701	5,273

<sup>1</sup> Includes special schools

Source: School Census January 2018

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

The local authority does not believe that any one gender will be more affected by the proposals than the other as all state-funded schools in East Sussex are co-educational.

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

The local authority does not believe there will be an impact on different genders as places will be provided for everyone.

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

The local authority does not believe the proposals will have a negative impact.

The local authority is very experienced in construction projects at schools and the health and safety of children is paramount when any building project takes place. Build programmes would be developed to minimise disruption to teaching and learning during this time.

- 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 creation of new school places in areas of basic need.

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

n/a

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

n/a

- d) **What is the proposal, project or service's impact on people who are married or same sex couples who have celebrated a civil partnership?**

n/a

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

n/a

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

n/a

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

n/a

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

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

The local authority does not consider pregnancy and maternity characteristics to be relevant to the creation of new school places in areas of basic need.

- 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?**

There is a broad and diverse range of provision across East Sussex for children and young people in East Sussex:

Of the 187 state-funded mainstream and special schools in East Sussex at the start of the 2020/21 academic year:

52 were community

45 were voluntary controlled (VC)

22 were voluntary aided (VA)

3 were foundation

65 were academies or free schools

**b)** At the January 2020 census 12,542 pupils aged 4-16 attended VC or VA schools in East Sussex. This equates to 19.5% of the school age population in the county (state funded schools only).

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

Number and percentage pupils attending maintained VA or VC schools in each of the planning areas:

<b>Planning Area</b>	<b>Number and % of pupils attending a VA or VC school in each planning area</b>
Eastbourne	1,424 of 13,212 (10.8%)
Hailsham	0 of 2,839 (0%)
Hastings	451 of 10,804 (4.2%)

Source: School Census January 2020

**d) 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 majority of VA schools are also community schools in that they accept pupils of different faiths or no faith. It is possible that some school expansion proposals which come forward in the future might be for VC or VA schools if that is considered the most appropriate solution for an area and there is sufficient demand for faith places to warrant expansion.

## Equality Impact Assessment

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

The local authority does not believe there will be an impact on people with different religions and beliefs as there will continue to be a diverse range of provision across the county for children and young people.

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

The local authority does not believe the proposals will have a negative impact.

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

n/a

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

n/a



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### **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 creation of new school places in areas of basic need.

**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

## Equality Impact Assessment

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

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

The local authority does not consider other groups/factors to be relevant to creation of new school places in areas of basic need.

Places will be available regardless of background, gender, socioeconomic status etc in line with the Admissions Code which all admissions authorities must abide by.

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

n/a

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

n/a

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

n/a

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

n/a

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

n/a

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

n/a

## Equality Impact Assessment

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

The local authority considers the creation of new school places should have a positive impact on children and their families. All pupils impacted by proposals to create new places would be enabled to receive a good quality of education. The local authority does not consider that the creation of new school places potentially interferes with a human right.

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

## Part 5 – Conclusions and recommendations for decision makers

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

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

Each proposal will deliver more school places in areas where demand for places is forecast to outstrip provision.

By creating new school places in these areas, including additional places for SEN pupils, more local children will be able to access a place at their local school.

Each project will have a positive impact as all new provision will be compliant with DDA regulations and the Equality Act 2010.

### 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	<b>A No major change</b> – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.	The proposals will have a positive impact on all children and young people, including pupils with SEN, as each project will deliver more school places in areas where demand for places is forecast to outstrip provision.
	<b>B Adjust the policy/strategy</b> – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	By providing additional places in these areas, more local children will be able to access a place at their local school.
	<b>C Continue the policy/strategy</b> - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate	All new and extended provision will be compliant with DDA regulations and the Equality Act 2010 for disabled pupils.
	<b>D Stop and remove the policy/strategy</b> – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.	The local authority will be able to discharge its statutory duty to ensure a sufficient supply of school places for everyone, regardless of their background, gender, socioeconomic status etc in line with the Admissions Code.

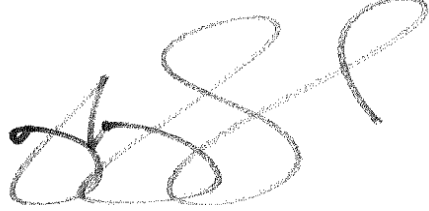
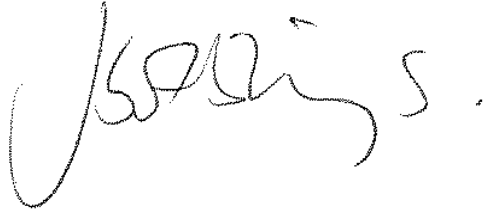
## Equality Impact Assessment

### 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?

Where appropriate a separate EqIA will be undertaken for each proposal within the programme before a final decision is taken on whether to proceed with a project to provide more places.

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

See 5.3 above

<b>Date completed:</b>	<b>January 2021</b>	<b>Signed by (person completing)</b>	 <b>Gary Langford</b>
<b>Role of person completing</b>			<b>Place Planning Manager</b>
<b>Date:</b>	<b>January 2021</b>	<b>Signed by (Manager)</b>	 <b>Jessica Stubbings</b> <b>Senior Manager, Partnerships and Governance</b>

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

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

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

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

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

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

### 6.1 Accepted Risk

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

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