

Equality Impact Analysis

Equality Impact Analysis (EqIA) (or Equality Impact Assessment) aims to make services and public policy better for all service-users and staff and supports value for money by getting council services right first time.

We use EqIAs to enable us to consider all relevant information from an Equality requirements perspective when procuring or restructuring a service or introducing a new policy or strategy. This analysis of impacts is then reflected in the relevant action plan to get the best outcomes for the Council, its staff and service-users.

EqIAs are used to analyse and assess how the Council's work might impact differently on different groups of people. EqIAs help the Council to make good decisions for its service-users, staff and residents and provide evidence that those decision conform with the Council's obligations under the Equality Act 2010.

Title of Project/Service/Policy	School Basic Need Capital Programme	Directorate	Children's Services			
Team/Department	Standards and Learning Effectiveness Service (Education Division), Children's Services Department					
Provide a comprehensive description of your Project (Service/Policy, etc.) including its Purpose and Scope	The main purpose of the school basic need capital program East Sussex County Council (the local authority) has a statutory duty to places in the right locations to meet demand. We are responsible for attainment, increases diversity, encourages collaboration between school We seek to achieve this in partnership with key stakeholders including trusts, parents and carers, dioceses, local planning authorities and local The school basic need capital programme enables the local authority greatest demand. The School Organisation Plan (SOP) 2022 to 2026 sets out how the local ensuring there are sufficient primary, secondary, and special school demand. The SOP is produced annually by the Standards and Learni Division), Children's Services Department. The current version of the Lead Member for Education and Inclusion, Special Educational Needs	o ensure that there are sufpromoting a good supply of missioning places in a ward ools and promotes communities. The description of the places in the right locationing Effectiveness Service (ISOP was approved for pull promoting the places in the places in the places in the right locationing Effectiveness Service (ISOP was approved for pull promoting the places in the places in the right locationing Effectiveness Service (ISOP was approved for pull promotion of the places in the places in the right location of the pull places in the places in the right location of the places in the pl	f school places y that raises unity cohesion. academy e areas of the challenge as to meet Education olication by the			



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 and considers factors such as:

- Current numbers on roll in each academic year group
- Births
- Trend data
- Parental preference
- School admissions policies
- Housing growth
- Existing and planned capacity
- Patterns of inward and outward migration.

The local authority will consult with key stakeholders when developing proposals to provide new places. When considering proposals to add new places to meet demand the local authority will take account of the following principles:

- Prioritise the expansion of good and outstanding schools
- Consider the pattern of parental preference and local demand for places
- Consider the diversity of provision
- Consider transport patterns to reduce travel times to schools wherever possible
- Consider safe routes to schools
- Where there is demand for both school and early years places, the local authority will consider providing additional accommodation designed to ensure a seamless transition between nursery and Year R
- Support new free schools where their location will help relieve pressure on places and increase parental preference
- Where possible, only enlarge schools where it creates or sustains round forms of entry as the preferred model of organisation
- Ensure value for money.

In addition to the provision of permanent school 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 temporary accommodation programme is funded from the school basic need capital programme to facilitate this.

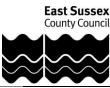
In the medium term financial plan (MTFP) period, we will:

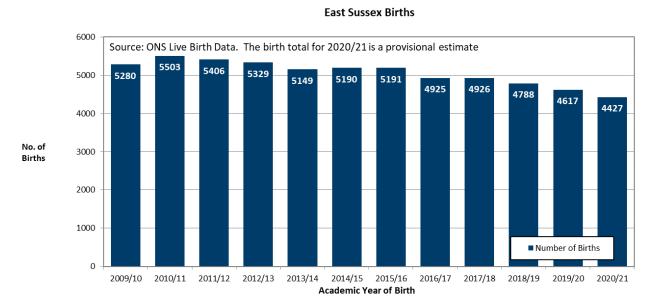
- deliver additional early years places at Wadhurst CE Primary School
- consider options for the creation of additional special school places at Grove Park School, Crowborough
- work with a number of mainstream schools to establish new specialist facilities or enlarge existing facilities
- begin work on delivering school places to serve new housing developments in a number of areas.

In the period beyond the MTFP, further school places are likely to be needed in areas linked to new housing growth. There remains a large degree of uncertainty over precisely how many school places will be required in the future and where. Much will depend on local planning authorities developing their local plans to an extent that will inform and enable housing growth and for those developments to happen.

Births

Births in East Sussex peaked at 5,503 in academic year 2010/11. Since then, countywide births fell to around 4,600 in 2019/20 and are likely to continue to fall until at least 2021/22.



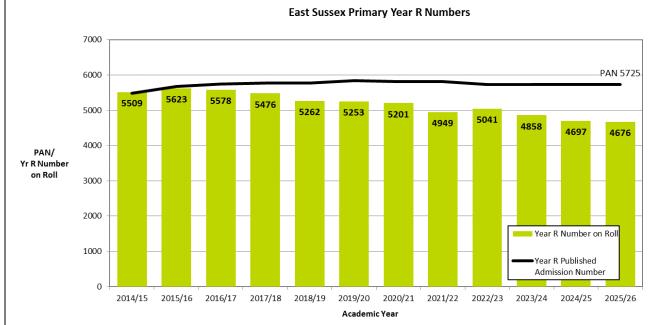


Primary school numbers

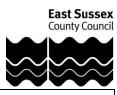
The fall in countywide births is reflected in falling primary reception (Year R) intake numbers, which are forecast to continue reducing, until at least 2025/26. The local authority's pupil forecasts show numbers recovering beyond this point. However, intake forecasts beyond 2025/26 are based on demographic projections of future births rather than actual live birth or GP registration data. Looking at previous cycles of births and Year R intakes, it is very possible that we may not see a recovery in Year R numbers across the county generally until the 2030s.

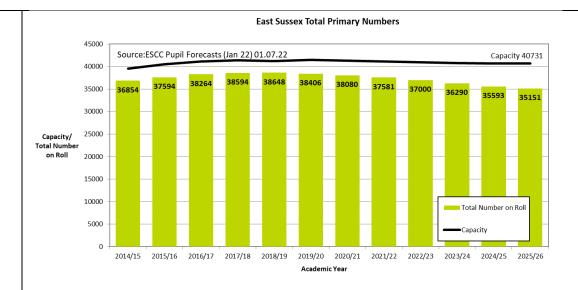
In areas of the county such as Hailsham and Bexhill, where high volumes of new housing are planned, Year R numbers may rise sooner than in other parts of East Sussex.





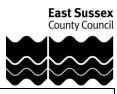
Total numbers on roll in primary schools peaked in 2018/19 and are now in decline. In 2021/22 there was 9% surplus capacity overall, although this margin varies from area to area. By 2025/26, pupil numbers are forecast to fall to around 35,150 with surplus places increasing to 14% of capacity.

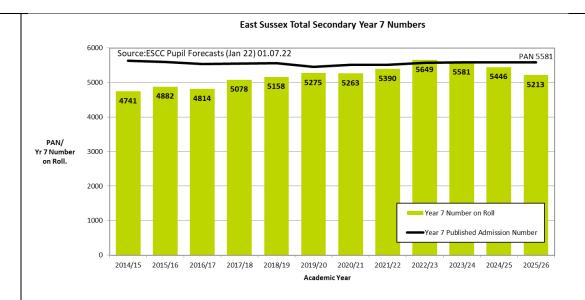




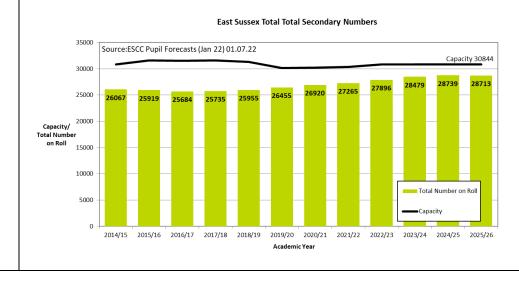
Secondary school numbers

Previous high numbers in primary schools are being reflected in rising Year 7 secondary school intakes. Year 7 numbers are predicted to peak in either 2022/23 or 2023/24.





Total numbers on roll in secondary schools are forecast to peak around 2024/25 or 2025/26. As a result of rising numbers, surplus places in secondary schools are predicted to reduce from 10% of capacity in 2021/22 to 7% by 2025/26.

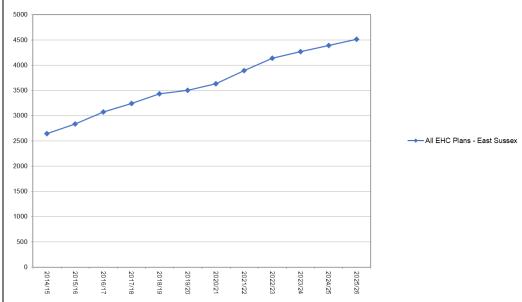




Special Educational Needs and Disability (SEND)

The numbers of school aged children and young people aged four to 19 in East Sussex with an Education, Health, and Care Plan (EHCP) have been rising steeply in recent years, from 3,126 in 2018-19 to 3,494 in 2021-22, an increase of 12%. In 2021-22, there were also 400 young people aged 19-25 in East Sussex with an EHCP.

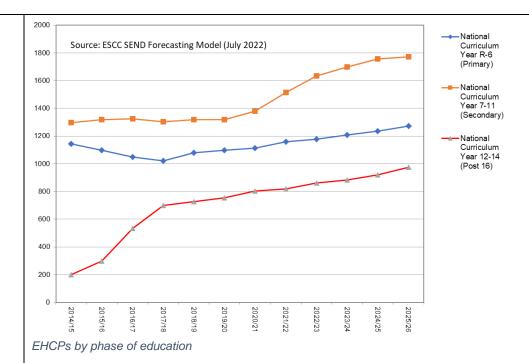
In the next four years, the local authority forecasts that overall numbers of school-aged children and young people aged 4-19 with EHCPs will grow by around 15%, to approximately 4,000.



Overall numbers of children and young people aged 4-19 with EHCPs

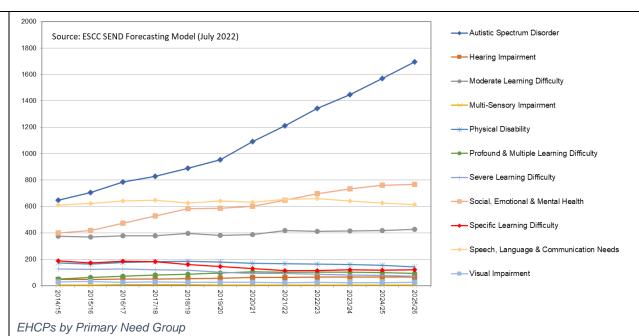
There are a variety of reasons for the increase, including parental demand, changes in diagnostic practice and the changes in SEND legislation which have greatly increased the number of young people aged 16+ with EHCPs following the 2014 education reforms.





The rise is also due to increasing numbers of children in particular primary need categories. The three primary need groups that have had, and are predicted to continue to have, the biggest increases are Autistic Spectrum Disorder (ASD) and, to a lesser extent, Social, Emotional and Mental Health (SEMH) and Profound and Multiple Learning Difficulties (PMLD). The significant rise in ASD numbers reflects increases in diagnosis, an increase in the number of schools with a designation of ASD and an increase in parental and professional awareness. Numbers in other need groups are relatively stable.





In January 2022, there were 1,622 East Sussex residents on roll in special schools, of which 1,480 were in schools in East Sussex and 142 were in schools in other authorities. 1,251 were in maintained and academy provision and 371 were in non-maintained independent special schools.

The numbers assessed as requiring a special school place have risen by 424 (34%) over the past four years. The need for maintained and academy special school places has risen by 259 (25%). The number of pupils accessing non-maintained independent special school places has risen by 165, a 77% increase on the 2017-18 total.

We are likely to see a further increase in demand of around 250 or 15% for special school places over the period to 2025/26. This projection assumes that the distribution of EHCPs between mainstream schools, specialist facilities in mainstream schools, maintained and academy special schools and independent non-maintained special schools, will remain at its current levels. However, over the last four years, 90% of the entire growth in EHCPs has been accounted for by a rise in the numbers placed in special schools. If this trend continues, we could see a rise in the need for special school places of around 470 (28%) by 2025-26.



To address the rising need for SEND places in the county, 381 new special school and alternative provision places have been created since 2020 through the establishment of four new free schools. In addition, 52 new specialist facility places have been created across five mainstream primary and secondary schools since 2019. We continue to explore further opportunities for new special school places and specialist facility provision in the county.

Implementation of the school basic need capital programme

The local authority will work in partnership with schools, academy trusts, dioceses, contractors, and other key partners to deliver the school basic need capital 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 statutory consultation with key stakeholders.

Before a project is taken forward in the capital programme a statutory consultation and EqIA will be undertaken to gauge opinion for the proposal and to identify any potential equality barriers. 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.

Legal duty

Local authorities are under a statutory duty to ensure the sufficiency of school places in their area, working within a national framework in relation to education provision and school planning:

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 Director'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.

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 Director 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
- · 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 existing schools

Local authorities wishing to propose the 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.

Stakeholders are consulted on maintained school proposals in accordance with statutory requirements. Statutory consultations relating to maintained school proposals can be found on the local authority's consultation hub at: Consultations in East Sussex.

Academies wishing to make a significant change, as defined in the Academies Act 2010, must seek the approval of the Regional Director for Education who will decide (on behalf of the Secretary of State) whether proposals are in line with the needs of the local area.



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

Who is affected by the school basic need capital programme

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

At the May 2022 school census, there were 67,937 children and young people on roll in our primary, secondary, and special schools (excluding PRUs):

School type	Nursery	Year R	KS1	KS2	KS3	KS4	KS5	Total
Mainstream primary	1,693	4,810	10,247	21,662	-	1	1	38,412
Mainstream secondary (inc all-through)	91	180	351	481	15,800	9,951	1,453	28,307
Special (exc PRU)	20	48	112	300	423	222	93	1,218

Source: May 2022 school census

Of these children and young people, 11,309 (16.6%) had special educational needs (SEN):

School type	Nursery	Year R	KS1	KS2	KS3	KS4	KS5	Total	%
Mainstream primary	95	502	1,568	3,931	-	-	-	6,096	15.9%
Mainstream secondary (inc all-through)	-	31	54	73	2,564	1,229	44	3,995	14,1%
Special (exc PRU)	20	48	112	300	423	222	93	1,218	100.0%

Source: May 2022 school census

Children and young people of school age in areas of basic need (including those with SEN) are likely to 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.

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 pupils with a disability.

Of the 67,937 children and young people on roll in East Sussex schools in May 2022, 33,002 (48.6%) were female and 34,935 (51.4%) were male:

School type	Gender	Nursery	Year R	KS1	KS2	KS3	KS4	KS5	Total	%
Mainstream	Female	849	2,326	5,029	10,644	-	-	-	18,848	49.1%
primary	Male	844	2,484	5,218	11,018	-	-	-	19,564	50.9%
Mainstream secondary	Female	42	89	189	260	7,723	4,783	755	13,841	48.9%
(inc all- through)	Male	49	91	162	221	8,077	5,168	698	14,466	51.1%
Special	Female	6	12	40	60	100	64	31	313	25.7&
(exc PRU)	Male	14	36	72	240	323	158	62	905	74.3%

Source: May 2022 school census

The data above shows that girls attending school in East Sussex are under-represented compared to boys who are over-represented.

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

At the January 2022 school census, there were 9,652 minority ethnic children and young people on roll in East Sussex schools (excluding PRUs):

School type	Nursery	Year R	KS1	KS2	KS3	KS4	KS5	Total	%
Mainstream primary	203	687	1,483	3,086	-	-	-	5,459	14.3%
Mainstream secondary (inc all-through)	11	27	82	92	2,275	1,335	174	3,996	14.1%
Special (exc PRU)	2	6	25	60	58	32	14	197	16.3%

Source: January 2022 school census



We do not believe that minority ethnic children and young people would be more affected by any proposals than those in the general population who do not share that protected characteristic as new places will be provided for everyone.

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.

At the January 2022 school census, 11,734 children and young people attended local authority maintained faith schools (Voluntary Controlled or Voluntary Aided) in East Sussex:

School type	Nursery	Year R	KS1	KS2	KS3	KS4	KS5	Total	%
Mainstream primary	239	1446	3069	5937	-	-	-	10,691	27.8%
Mainstream secondary (inc all-through)	-	ı	ı	-	631	412	1	1,043	3.7%

Source: January 2022 school census

There is a broad and diverse range of school provision for children and young people in East Sussex: On 1 September 2022 there were 174 state funded mainstream schools and 15 special schools and alternative provisions in East Sussex:

47 community schools

41 voluntary controlled (VC) schools

22 voluntary aided (VA) schools

3 foundation schools

76 academies or free schools

Most faith 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 to meet basic need in an area and there is sufficient demand for faith places to warrant expansion.

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 all children and young people. In



accordance with DfE legislation, all schools must hold a daily act of collective worship that must be 'wholly or mainly of a broadly Christian character'.

Conclusion

In conclusion, the local authority believes 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. 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.

Before each project is taken forward in the capital programme a statutory consultation and EqIA will be undertaken to gauge opinion for the proposal and to identify any potential equality barriers specifically related to that proposal.



Initial assessment of whether your project requires an EqIA

When answering these questions, please keep in mind all legally protected equality characteristics (sex/gender, gender reassignment, religion or belief, age, disability, ethnicity/race, sexual orientation, marriage/civil partnership, pregnancy and maternity) of the people actually or potentially receiving and benefiting from the services or the policy.

In particular consider whether there are any potential equality related barriers that people may experience when getting to know about, accessing or receiving the service or the policy to be introduced or changed.

Discuss the results of your Equality assessment with the Equality Lead for your department and agree whether improvements or changes need to be made to any aspect of your Project.

	Question	Yes	No	Don't Know
1	Is there evidence of different needs, experiences, issues, or priorities on the basis of the equality characteristics (listed below) in relation to the service or policy/strategy area?	Х		
2	Are there any proposed changes in the service/policy that may affect how services are run and/or used or the ways the policy will impact different groups?		Х	
3	Are there any proposed changes in the service/policy that may affect service-users/staff/residents directly?	Χ		
4	Is there potential for, or evidence that, the service/policy may adversely affect inclusiveness or harm good relations between different groups of people?		X	
5	Is there any potential for, or evidence that any part of the service/aspects of the policy could have a direct or indirect discriminatory effect on service-users/staff/residents?		Х	
6	Is there any stakeholder (Council staff, residents, trade unions, service-users, VCSE organisations) concerned about actual, potential, or perceived discrimination/unequal treatment in the service or the Policy on the basis of the equality characteristics set out above that may lead to taking legal action against the Council?		X	
7	Is there any evidence or indication of higher or lower uptake of the service by, or the impact of the policy on, people who share the equality characteristics set out above?	Х		

If you have answered "YES" or "DON'T KNOW" to any of the questions above, then the completion of an EqIA is necessary.

The need for an EqIA will depend on:

• How many questions you have answered "yes", or "don't know" to;



- The likelihood of the Council facing legal action in relation to the effects of service or the policy may have on groups sharing protected characteristics; and
- The likelihood of adverse publicity and reputational damage for the Council.

The local authority has a statutory duty to ensure there are sufficient school places for everyone that requires a place including groups sharing protected characteristics. If it failed to discharge its duty, the local authority could risk legal action being taken against it and/or adverse publicity and reputational damage.

The planning, organising, and commissioning of school places is taken in a timely manner and in accordance with legislation. The local authority therefore believes the risk of legal action and/or adverse publicity and reputational damage is low.



1. Update on previous EqIAs and outcomes of previous actions (if applicable)

What actions did you plan last time? (List them from the previous EqIA)	What improved as a result? What outcomes have these actions achieved?	What <u>further</u> actions do you need to take? (add these to the Action Plan below)
This is an update of the Equality Impact Assessment completed in 2021		



2. Review of information, equality analysis and potential actions

Consider the actual or potential impact of your project (service, or policy) against each of the equality characteristics.

Protected characteristics groups under the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts identified from data and feedback (actual and potential)	What can you do? All potential actions to: advance equality of opportunity, eliminate discrimination, and foster good relations
Age	The proposals will affect children and young people of primary and secondary school age both in mainstream and special school settings.	The local authority will consult with key stakeholders when developing proposals to provide new places. We work in partnership with key stakeholders including headteachers, governors, academy trusts, parents and carers, dioceses, local planning authorities and local communities.	The School Organisation Plan (SOP) is informed by the local authority's pupil forecasting model which is revised annually and considers a range of factors including: current numbers on roll in each academic year group, births, trend data and migration patterns. Data on births and pupil numbers is noted above.	The local authority has a statutory duty to ensure that there are sufficient school places in the right locations to meet demand, using the data outlined above and working with a range of partners.
Disability	Data on the numbers of school aged children and young people aged 4-19 in East Sussex with an Education, Health, and Care Plan (EHCP) are noted above. These numbers have been rising and are predicted to rise further.	The local authority will consult with key stakeholders when developing proposals to provide new places. We work in partnership with key stakeholders including headteachers, governors, academy trusts, parents and carers, dioceses, local planning authorities and local communities.	Over the last four years, 90% of the growth in EHCPs has been accounted for by a rise in the numbers of children and young people placed in special schools. If this trend continues, we could see a rise in the need for special school places of around 470 (28%) by 2025-26.	The local authority has a statutory duty to ensure that there are sufficient school places in the right locations to meet demand, using the data outlined above and working with a range of partners. The local authority continues to explore further opportunities for new

Protected characteristics groups under the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts identified from data and feedback (actual and potential)	What can y All potential actions to: advance equality of opportunity, eliminate discrimination, and
			To address the rising need for SEND places in the county, 381 new special school and alternative provision places have been created since 2020 through the establishment of four new free schools. In addition, 52 new specialist facility places have been created across five mainstream primary and secondary schools since 2019.	foster good relations special school places and specialist facility provision in the county.
Gender reassignment	The local authority does not believe that children and young people sharing this characteristic would be more affected by any proposals as new school places will be provided for everyone.			No specific action identified at this stage.
Pregnancy and maternity	The local authority does not believe that children and young people sharing this characteristic would be more affected by any			No specific action identified at this stage.

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	proposals as new school places will be provided for everyone.			
Race/ethnicity Including migrants, refugees and asylum seekers	The council does not believe that children and young people sharing this characteristic would be more affected by any proposals as new school places will be provided for everyone.			No specific action identified at this stage.
Religion or belief	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 all children and young people. Most faith schools are also community schools in that they accept pupils of different faiths or no faith.			No specific action identified at this stage.

Protected characteristics groups under the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts identified from data and feedback (actual and potential)	What can y All potential actions to: advance equality of opportunity, eliminate discrimination, and foster good relations
Sex/Gender	The council does not believe that children and young people sharing this characteristic would be more affected by any proposals as new school places will be provided for everyone.			No specific action identified at this stage.
Sexual orientation	The local authority does not believe that children and young people sharing this characteristic would be more affected by any proposals as new school places will be provided for everyone.			No specific action identified at this stage.
Marriage and civil partnership	N/A			N/A
Impacts on community cohesion	The local authority is responsible for promoting a good supply of school places that offer high quality education through planning, organising, and commissioning places in a			The local authority will continue to seek to achieve this in partnership with key stakeholders including headteachers, governors, academy trusts, parents and carers, dioceses, local

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	way that raises attainment, increases diversity, encourages collaboration between schools and promotes community cohesion.			planning authorities and local communities.



Additional categories (identified locally as potentially causing / worsening inequality)

Characteristic	What do you know?	What do people tell you?	What does this mean?	What can you do?
Rurality	When considering proposals to add new places to meet demand the local authority will take account of principles including considering transport patterns to reduce travel times to schools wherever possible and considering safe routes to schools.			In the period beyond the MTFP, further school places are likely to be needed in areas linked to new housing growth. Given the large degree of uncertainty over future plans, housing growth and implementation of developments, the local authority will continue to work with local planning authorities to identify precisely how many school places will be required in the future and where.
Carers	N/A			N/A
Other groups that may be differently affected (including but not only: homeless people, substance users, care leavers)	N/A			N/A



Assessment of overall impacts and any further recommendations - include assessment of cumulative impacts (where a change in one service/policy/project may have an impact on another)	
No further impacts beyond those identified above.	



3. List detailed data and/or community feedback that informed your EqIA

Source and type of data (e.g. research, or direct engagement (interviews), responses to questionnaires, etc.)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
The local authority will consult with key stakeholders when developing proposals to provide new places. We work in partnership with key stakeholders including headteachers, governors, academy trusts, parents and carers, dioceses, local planning authorities and local communities.			



4. Prioritised Action Plan

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe	
NB: These actions must now	NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
All actions are outlined in the School Organisation Plan (SOP) 2022 to 2026					
(Add more rows as needed)					