

### **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	Title of Project/Service/Policy         School Basic Need Capital Programme		Children's Services	
Team/Department	Education Division, Children's Services Department			

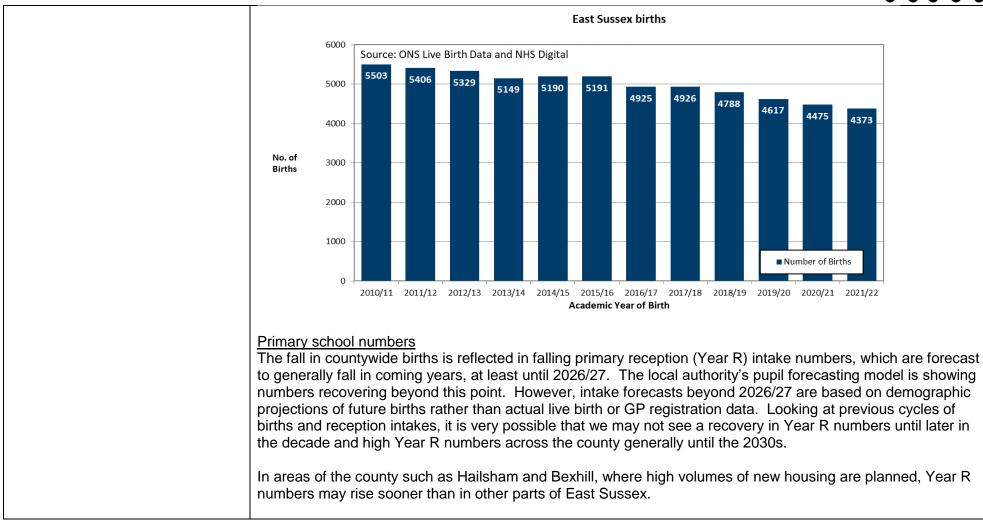


	<b>The main purpose of the school basic need capital programme</b> East Sussex County Council (the local authority) has a statutory duty to ensure that there are sufficient school places in the right locations to meet demand. We are responsible for promoting a good supply of school places that offer 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 school basic need capital programme enables the local authority to deliver new places in the areas of greatest demand.
	The School Organisation Plan (SOP) 2023 to 2027 sets out how the local authority seeks to meet the challenge of ensuring there are sufficient primary, secondary, and special school places in the right locations to meet demand. The SOP is produced annually by the Education Division, Children's Services Department. The current version of the SOP was approved for publication by the Lead Member for Education and Inclusion, Special Educational Needs and Disability on 14 November 2023.
Provide a comprehensive description of your Project (Service/Policy, etc.) including its Purpose and Scope	Proposals for new schools and school expansions is 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:
	<ul> <li>Current numbers on roll in each academic year group</li> <li>Births</li> <li>Trend data</li> <li>Parental preference</li> <li>School admissions policies</li> <li>Housing growth</li> <li>Existing and planned capacity</li> <li>Patterns of inward and outward migration.</li> </ul>
	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:
	<ul> <li>Prioritise the expansion of good and outstanding schools</li> <li>Consider the pattern of parental preference and local demand for places</li> </ul>

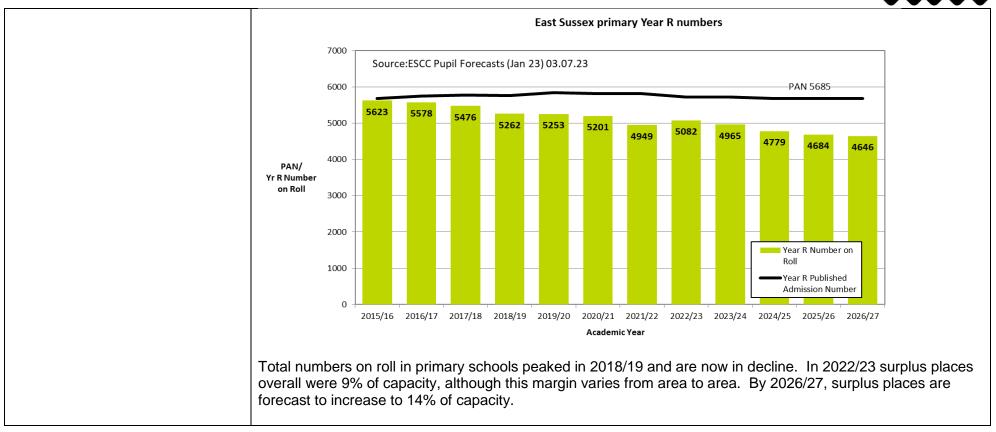


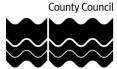
<ul> <li>Consider the diversity of provision</li> <li>Consider transport patterns to reduce travel times to schools wherever possible</li> <li>Consider safe routes to schools</li> <li>Where there is demand for both school and early years places, the local authority will consider providing additional accommodation designed to ensure a seamless transition between nursery and Year R</li> <li>Support new free schools where their location will help relieve pressure on places and increase parental preference</li> <li>Where possible, only enlarge schools where it creates or sustains round forms of entry as the preferred model of organisation</li> <li>Ensure value for money.</li> </ul>
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.
<ul> <li>In the medium term financial plan (MTFP) period, we will:</li> <li>consider options for the creation of additional special school places</li> <li>work with mainstream schools to establish new specialist facilities or enlarge existing facilities</li> </ul> In the period beyond the MTFP, further school places are likely to be needed in areas linked to new housing growth. There remains some 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 around 5,500 in academic year 2010/11. Since then, countywide births have fallen to below 4,400 in 2021/22, although the 2021/22 birth totals are provisional and subject to revision.

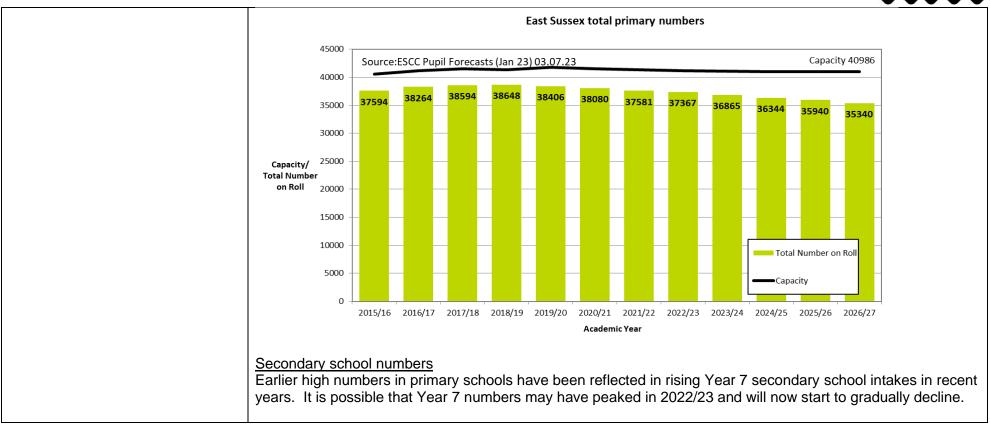




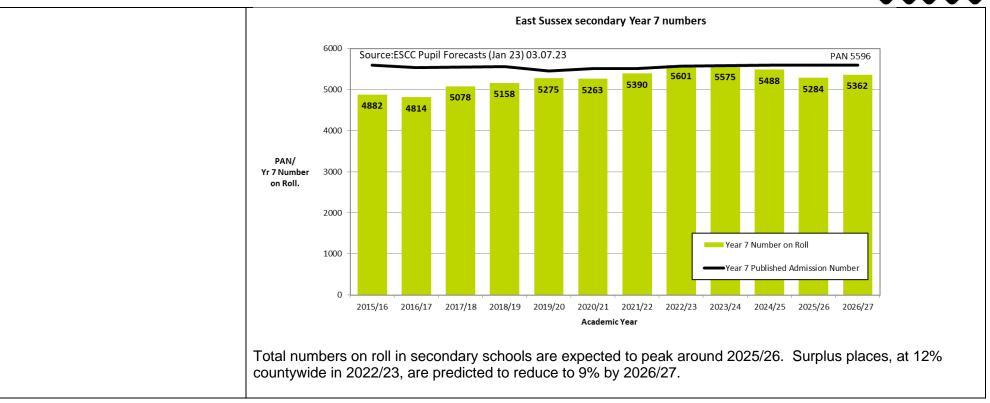




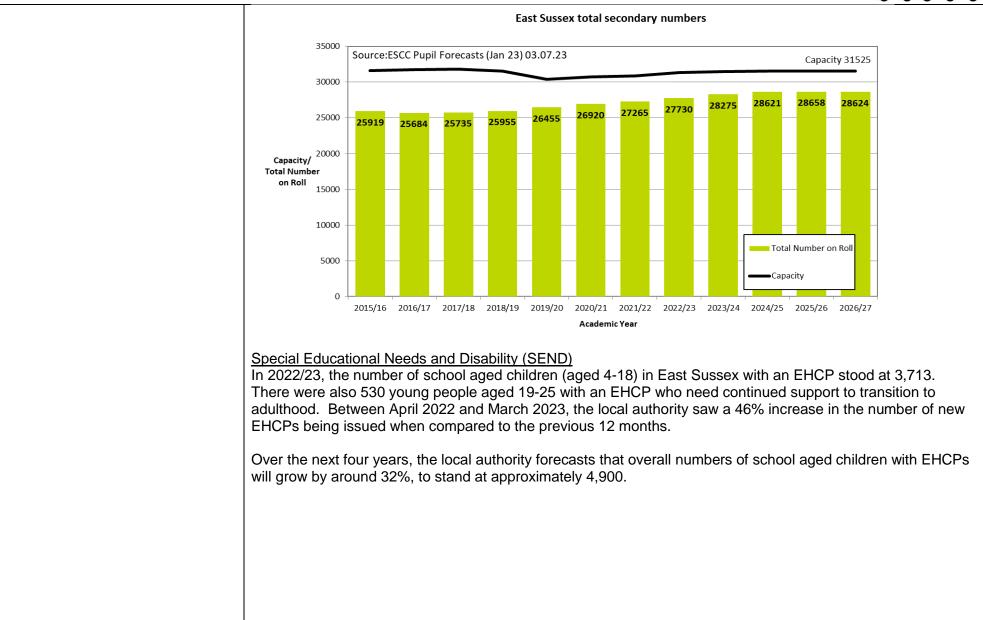




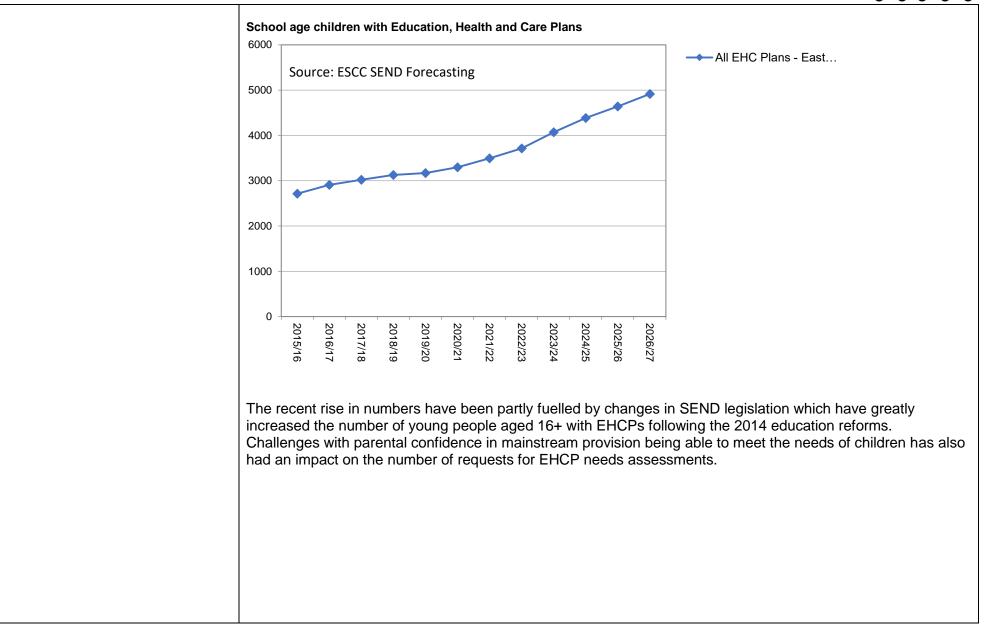




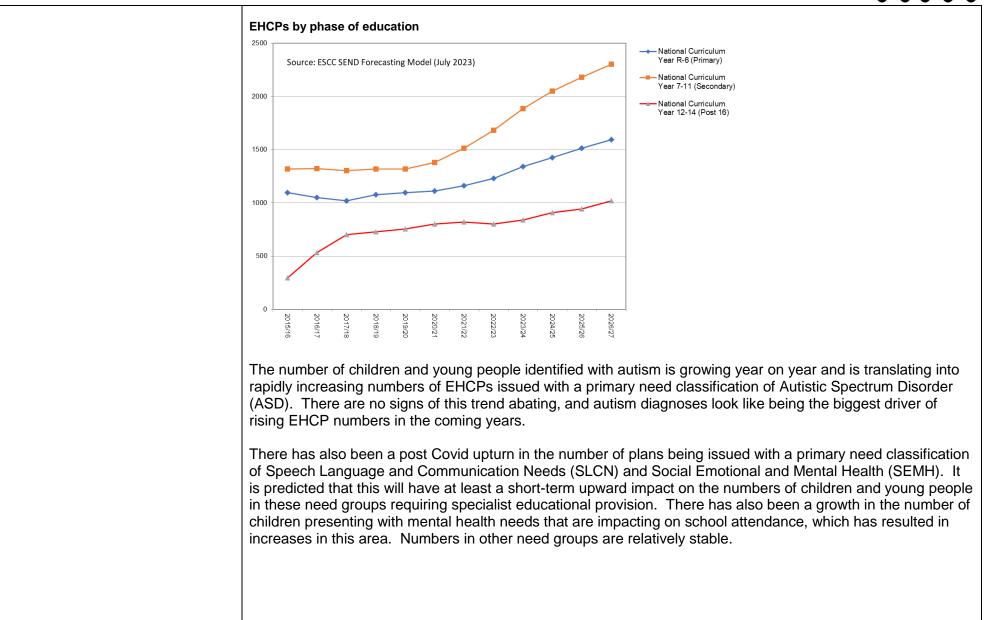




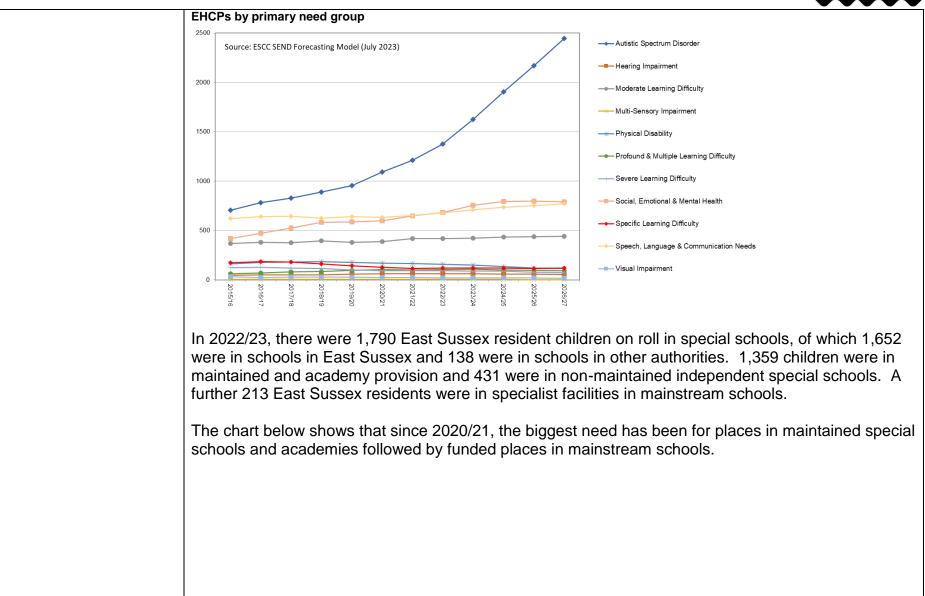




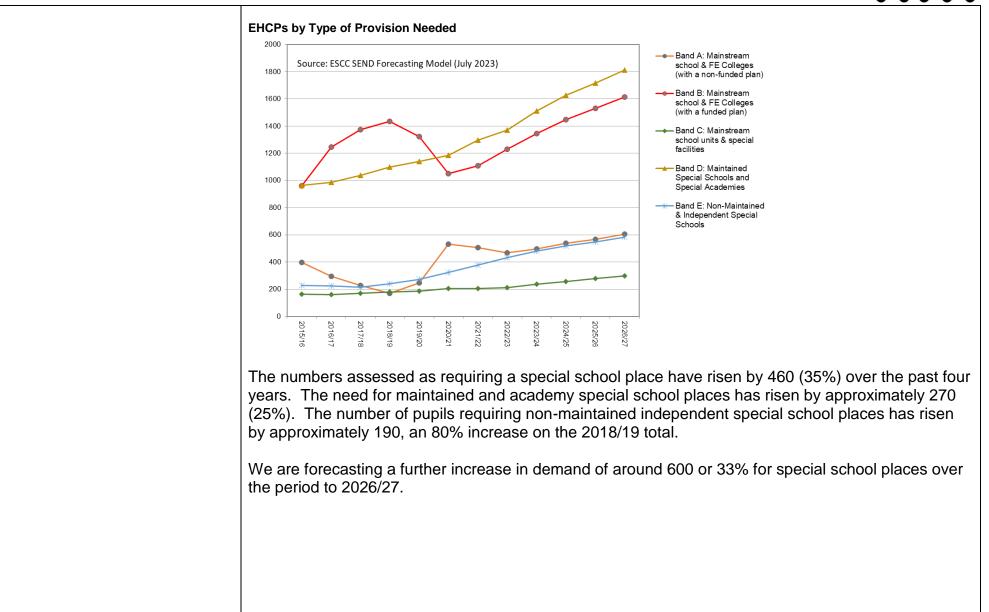
County Council

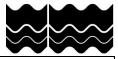


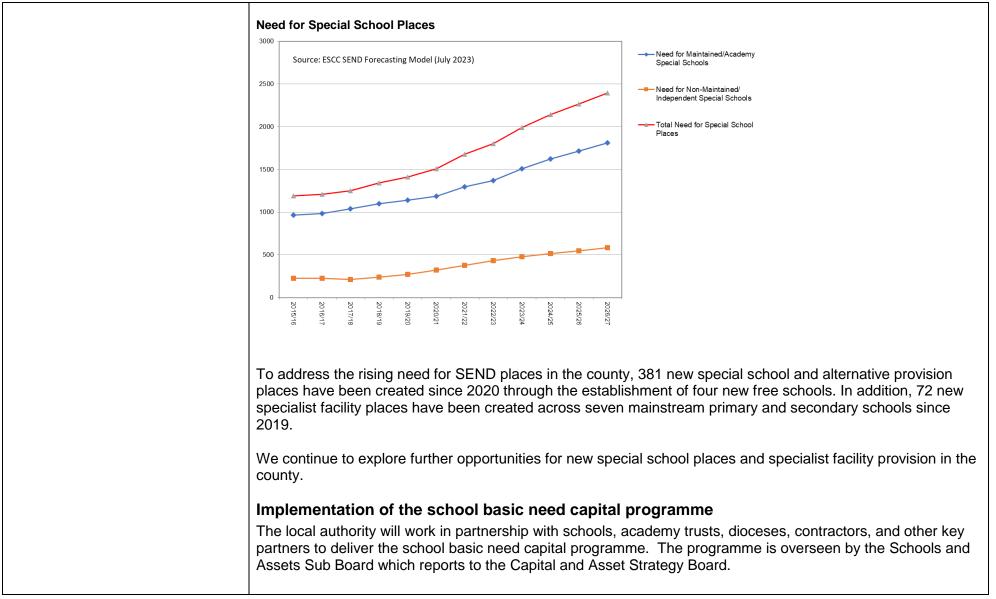
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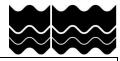




Where applicable, before a project is taken forward in the capital programme a statutory consultation and EqIA will be undertaken to gauge opinion for the proposal and to identify any potential equality barriers. The local authority engages with groups of schools, academy trusts, dioceses, district and borough councils and local communities in drawing up proposals for school expansions and/or the establishment of new schools. Where required, 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.
<b>Legal duty</b> 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:
<ul> <li>a new community or foundation primary school to replace a maintained infant and a maintained junior school</li> <li>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</li> </ul>



<ul> <li>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</li> <li>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</li> <li>a former independent school wishing to join the maintained sector</li> <li>a new local authority maintained nursery school.</li> </ul>
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: <u>Consultations in East Sussex</u> .
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 October 2023 school census, there were 67,619 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	1,424	4,743	9,864	20,945	-	-	-	36,976
Mainstream secondary (inc all-through)	95	178	361	596	16,358	10,255	1,381	29,224
Special (exc PRU)	21	77	128	334	484	289	86	1,419

Source: October 2023 school census

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

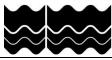
School type	Nursery	Year R	KS1	KS2	KS3	KS4	KS5	Total	%
Mainstream primary	64	372	1,398	4,170	-	-	-	6,004	16.2%
Mainstream secondary (inc all-through)	-	4	53	80	2,871	1,613	66	4,687	16.0%
Special (exc PRU)	21	77	128	334	484	289	86	1,419	100.0%

Source: October 2023 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 67,619 children and young people on roll in East Sussex schools in October 2023, 32,910 (48.7%) were female and 34,709 (51.3%) were male:



School type	Gender	Nursery	Year R	KS1	KS2	KS3	KS4	KS5	Total	%
Mainstream	Female	726	2,320	4,801	10,318	-	-	-	18,165	49.1%
primary	Male	698	2,423	5,063	10,627	-	-	-	18,811	50.9%
Mainstream secondary	Female	47	73	174	324	8,102	4,991	665	14,376	49.2%
(inc all- through)	Male	48	105	187	272	8,256	5,264	716	14,848	50.8%
Special	Female	6	24	31	81	124	69	34	369	26.0%
(exc PRU)	Male	15	53	97	253	360	220	52	1,050	74.0%

Source: October 2023 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 2023 school census, there were 10,465 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	234	763	1,549	3,326	-	-	-	5,872	15.5%
Mainstream secondary (inc all-through)	13	35	69	118	2,415	1,562	187	4,399	15.2%
Special (exc PRU)	2	8	16	55	63	33	17	194	14.9%

Source: January 2023 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.



There is a broad a On 1 September 2 provisions in East 46 community sch 40 voluntary contro 21 voluntary aided 3 foundation schoo 79 academies or fr At the October 202 schools (Voluntary	023, there Sussex: ools olled (VC) s (VA) scho ols ree schools 23 school c	were 174 schools ols sensus, 10	state fund	ed mainstr ren and you	eam scho ung peopl	ols and 15	special so	chools and	alternative
School type	Nursery	Year R	KS1	KS2	KS3	KS4	KS5	Total	%
Maintained VA or VC primary	267	1,239	2,551	5,428	-	-	-	9,485	25.7%
Maintained VA or VC secondary (inc all-through) Source: October 2023 scl	-	-	-	-	616	410	-	1,026	3.5%
Note: Several academies Most faith schools possible that some if that is considered for faith places to w The local authority there will continue accordance with D mainly of a broadly <b>Conclusion</b> In conclusion, the	are also churc are also co e school ex d the most warrant exp does not b to be a div fE legislati / Christian	ommunity : pansion propriation pansion. pelieve the verse range on, all sch character'	schools in roposals w te solution re will be e of provis ools must	that they a vhich come to meet ba an impact o ion across hold a dail	iccept pup forward in asic need on people the count y act of co	bils of diffe in the future in an area with differ y for all ch ollective wo	e might be and there ent religior ildren and orship that	for VC or is sufficien ns and beli young peo must be 'v	VA schools nt demand efs as ople. In vholly or



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 access provision more locally rather than attend provision further away sometimes out of the local area or even 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?	Х		
4	Is there potential for, or evidence that, the service/policy may adversely affect inclusiveness or harm good relations between different groups of people?		Х	
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.

Low risk	Yes	Medium risk	High risk	
sharing protecte		uty to ensure there are sufficient schoo it failed to discharge its duty, the local amage.		
		nissioning of school places is taken in a of legal action and/or adverse publicity		legislation. The local

### 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 2022		



## 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.

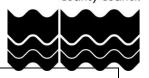
Protected characteristics groups under the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts identified from data and feedback (actual and potential)	<ul> <li>What can you do?</li> <li>All potential actions to: <ul> <li>advance equality of opportunity,</li> <li>eliminate discrimination, and</li> <li>foster good relations</li> </ul> </li> </ul>
Age	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 updated annually based on 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.	The numbers assessed as requiring a special school place have risen by 460 (35%) over the past four years. The need for maintained and academy special school places has risen by approximately 270 (25%). The number of pupils requiring non- maintained independent special school places has	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)	<ul> <li>What can year of the second second</li></ul>
			risen by approximately 190, an 80% increase on the 2018/19 total. We are forecasting a further increase in demand of around 600 or 33% for special school places over the period to 2026/27. 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, 72 new specialist facility places have been created in seven mainstream primary and secondary schools since	special school places and specialist facility provision in the county.

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)	<ul> <li>What can yer or a second sec</li></ul>
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 proposals as new school places will be provided for everyone.			No specific action identified at this stage.
Race/ethnicity Including migrants, refugees and asylum seekers	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.

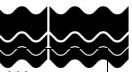
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Religion or belief	<ul> <li>The local authority does not believe there will be an impact on people with different religions and beliefs as there will continue to be a diverse range of provision across the county for all children and young people.</li> <li>Most faith schools are also community schools in that they accept pupils of different faiths or no faith.</li> </ul>			No specific action identified at this stage.
Sex/Gender	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.
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			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 ye of All potential actions to: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Marriage and civil partnership	places will be provided for everyone.			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 way that raises attainment, increases diversity, encourages collaboration between schools and promotes community cohesion.			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 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 housing growth, 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)

All identified in the main part of the EqIA.

# 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)
Where applicable, 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) 2023 to 2027							
(Add more rows as needed)	(Add more rows as needed)						