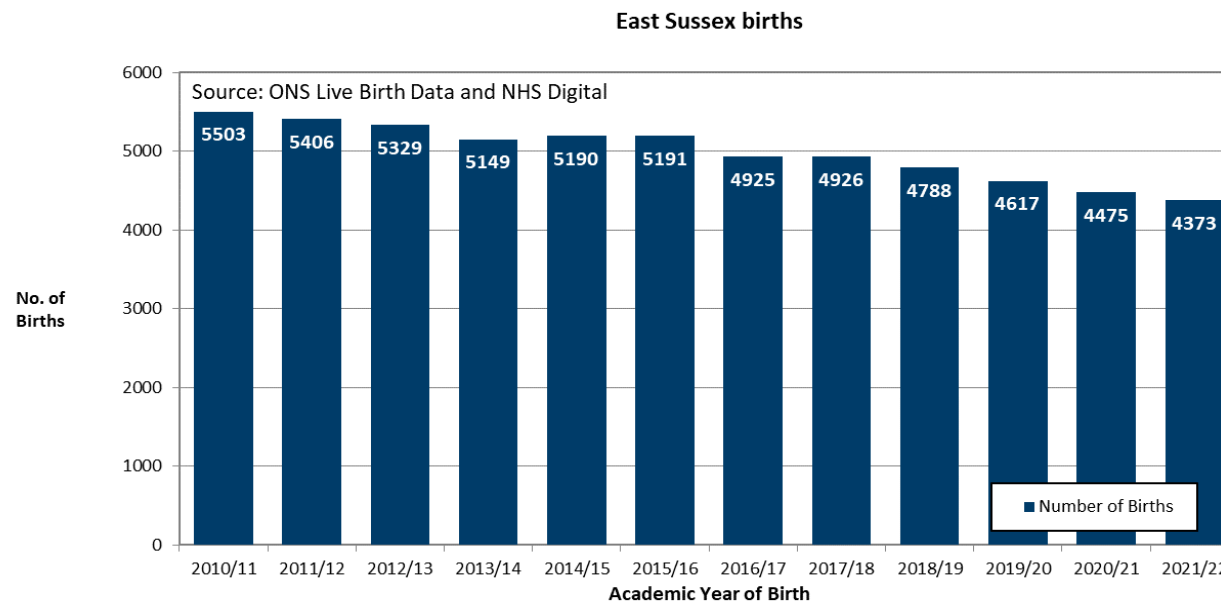


## Equality Impact assessment

<b>Title of Project/Service/Policy</b>	School Basic Need Capital Programme	<b>Directorate</b>	Children's Services
<b>Team/Department</b>	Education Division, Children's Services Department		

<p><b>Provide a comprehensive description of your Project (Service/Policy, etc.) including its Purpose and Scope</b></p>	<p><b>The main purpose of the school basic need capital programme</b></p> <p>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.</p> <p>The school basic need capital programme enables the local authority to deliver new places in the areas of greatest demand.</p> <p>The School Organisation Plan (SOP) 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.</p> <p>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:</p> <ul style="list-style-type: none"> <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> <p>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:</p> <ul style="list-style-type: none"> <li>• Prioritise the expansion of good and outstanding schools</li> <li>• Consider the pattern of parental preference and local demand for places</li> <li>• Consider the diversity of provision</li> <li>• Consider transport patterns to reduce travel times to schools wherever possible</li> </ul>
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	<ul style="list-style-type: none"> <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> <p>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.</p> <p>In the medium term financial plan (MTFP) period, we will:</p> <ul style="list-style-type: none"> <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> <p>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.</p> <p><u>Births</u></p> <p>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.</p>
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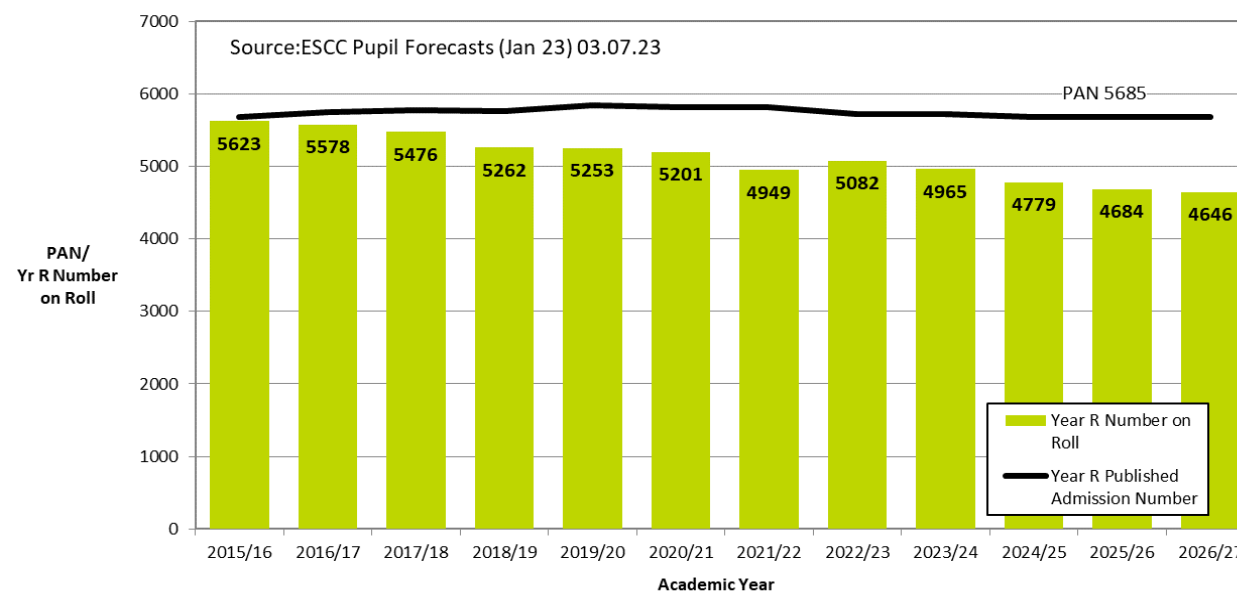


#### Primary school numbers

The fall in countywide births is reflected in falling primary reception (Year R) intake numbers, which are forecast to generally fall in coming years, at least until 2026/27. The local authority's pupil forecasting model is showing numbers recovering beyond this point. However, intake forecasts beyond 2026/27 are based on demographic projections of future births rather than actual live birth or GP registration data. Looking at previous cycles of births and reception intakes, it is very possible that we may not see a recovery in Year R numbers until later in the decade and high Year R numbers across the county generally until the 2030s.

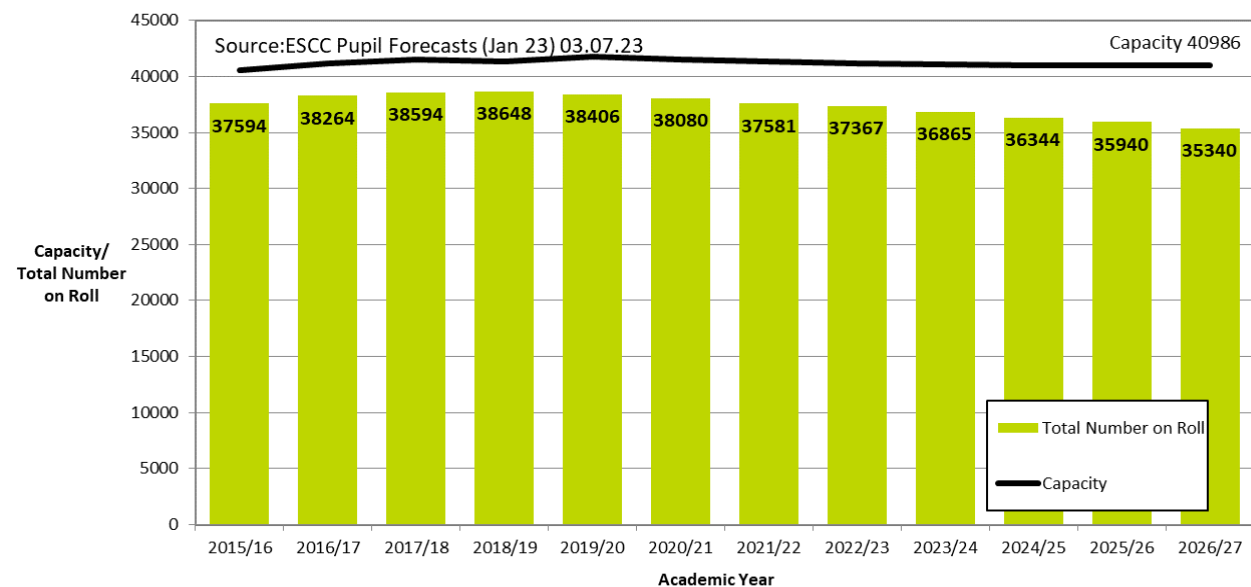
In areas of the county such as Hailsham and Bexhill, where high volumes of new housing are planned, Year R numbers may rise sooner than in other parts of East Sussex.

East Sussex primary Year R numbers



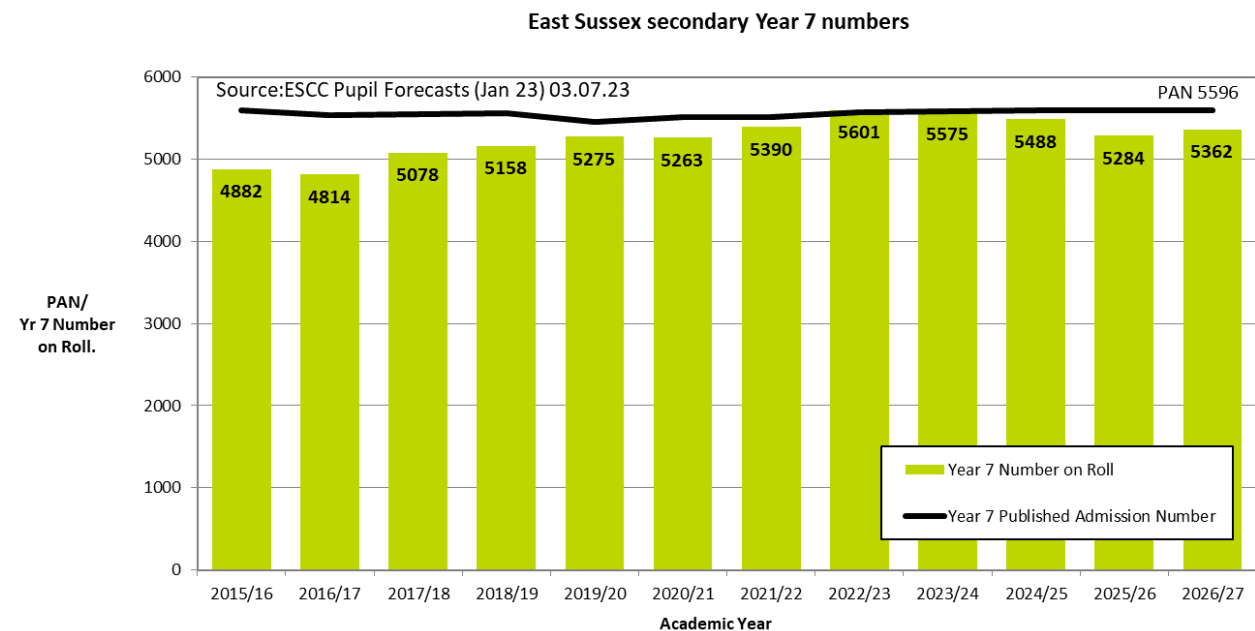
Total numbers on roll in primary schools peaked in 2018/19 and are now in decline. In 2022/23 surplus places overall were 9% of capacity, although this margin varies from area to area. By 2026/27, surplus places are forecast to increase to 14% of capacity.

East Sussex total primary numbers

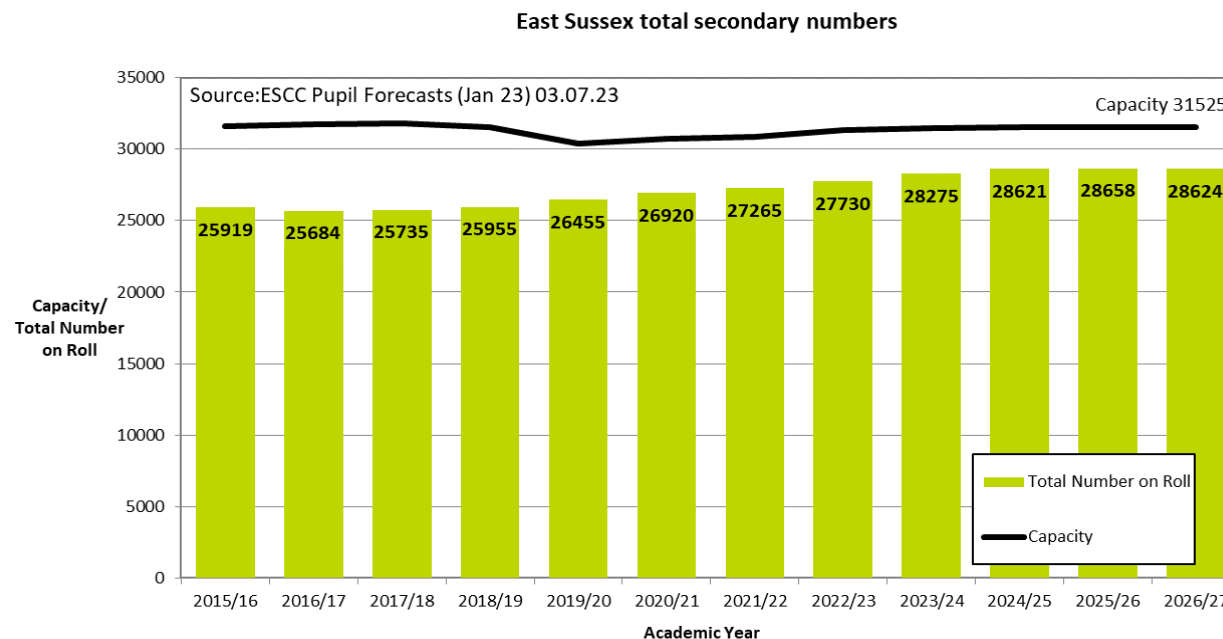


#### Secondary school numbers

Earlier high numbers in primary schools have been reflected in rising Year 7 secondary school intakes in recent years. It is possible that Year 7 numbers may have peaked in 2022/23 and will now start to gradually decline.



Total numbers on roll in secondary schools are expected to peak around 2025/26. Surplus places, at 12% countywide in 2022/23, are predicted to reduce to 9% by 2026/27.



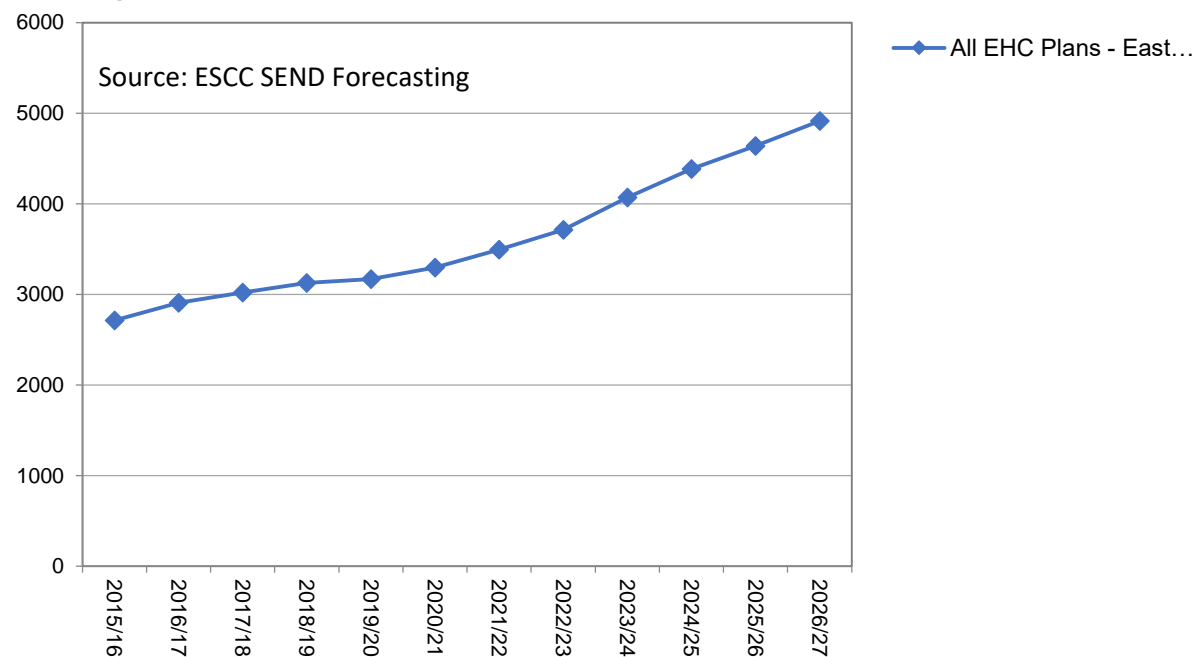
### Special Educational Needs and Disability (SEND)

In 2022/23, the number of school aged children (aged 4-18) in East Sussex with an EHCP stood at 3,713. There were also 530 young people aged 19-25 with an EHCP who need continued support to transition to adulthood. Between April 2022 and March 2023, the local authority saw a 46% increase in the number of new EHCPs being issued when compared to the previous 12 months.

Over the next four years, the local authority forecasts that overall numbers of school aged children with EHCPs will grow by around 32%, to stand at approximately 4,900.

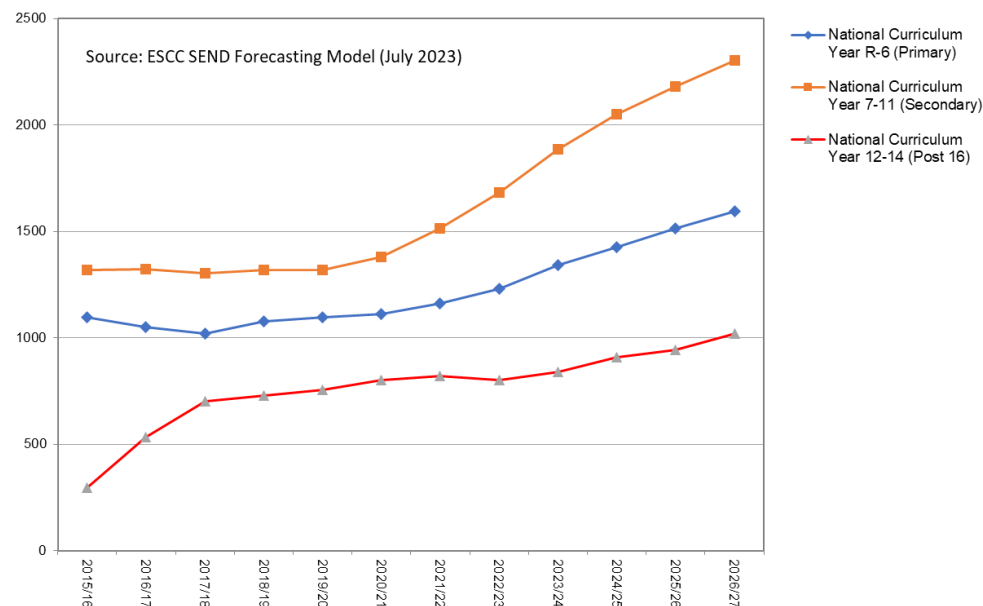


### School age children with Education, Health and Care Plans



The recent rise in numbers have been partly fuelled by changes in SEND legislation which have greatly increased the number of young people aged 16+ with EHCPs following the 2014 education reforms. Challenges with parental confidence in mainstream provision being able to meet the needs of children has also had an impact on the number of requests for EHCP needs assessments.

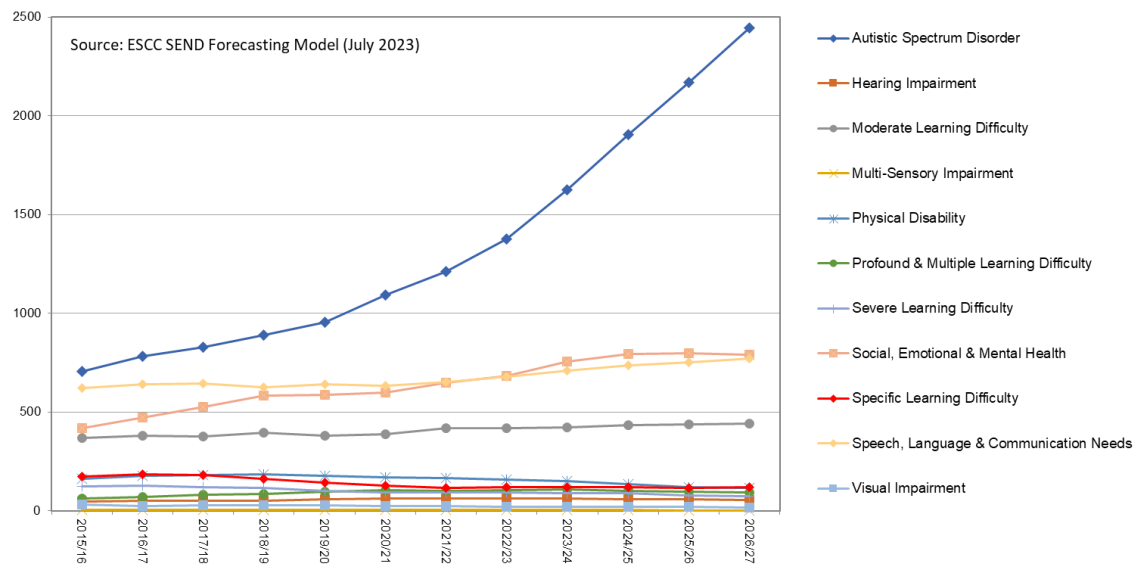
### EHCPs by phase of education



The number of children and young people identified with autism is growing year on year and is translating into rapidly increasing numbers of EHCPs issued with a primary need classification of Autistic Spectrum Disorder (ASD). There are no signs of this trend abating, and autism diagnoses look like being the biggest driver of rising EHCP numbers in the coming years.

There has also been a post Covid upturn in the number of plans being issued with a primary need classification of Speech Language and Communication Needs (SLCN) and Social Emotional and Mental Health (SEMH). It is predicted that this will have at least a short-term upward impact on the numbers of children and young people in these need groups requiring specialist educational provision. There has also been a growth in the number of children presenting with mental health needs that are impacting on school attendance, which has resulted in increases in this area. Numbers in other need groups are relatively stable.

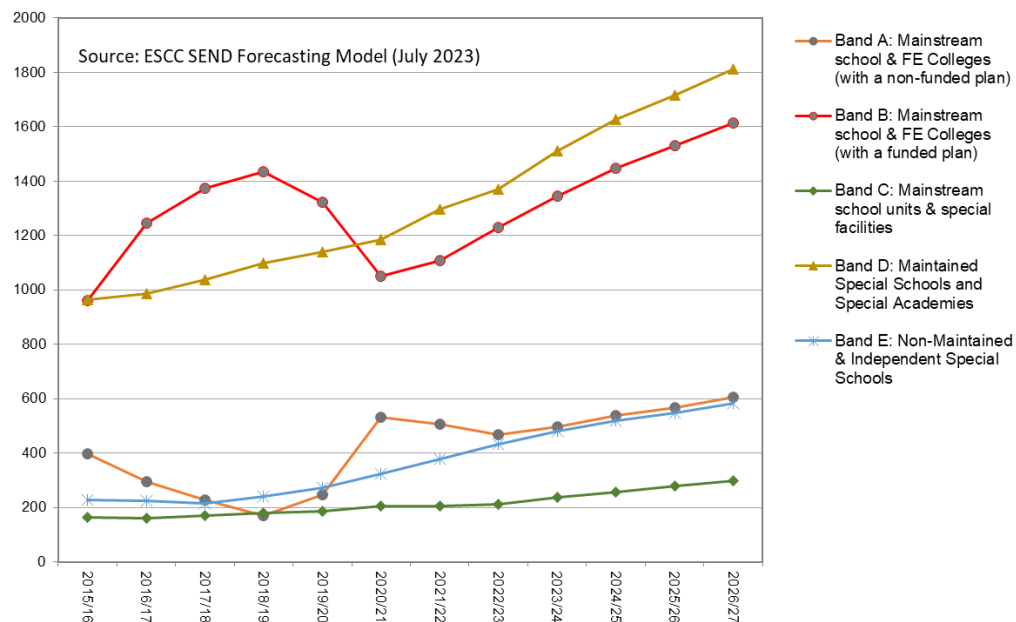
### EHCPs by primary need group



In 2022/23, there were 1,790 East Sussex resident children on roll in special schools, of which 1,652 were in schools in East Sussex and 138 were in schools in other authorities. 1,359 children were in maintained and academy provision and 431 were in non-maintained independent special schools. A further 213 East Sussex residents were in specialist facilities in mainstream schools.

The chart below shows that since 2020/21, the biggest need has been for places in maintained special schools and academies followed by funded places in mainstream schools.

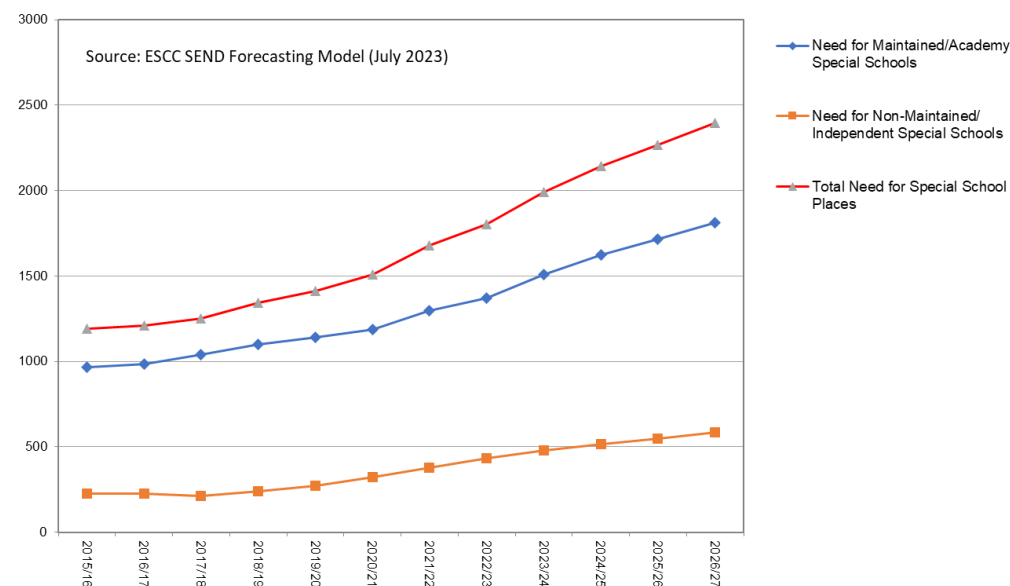
### EHCPs by Type of Provision Needed



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 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.

### Need for Special School Places



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 across seven 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 and Assets Sub Board which reports to the Capital and Asset Strategy Board.

	<p>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.</p> <p><b>Legal duty</b></p> <p>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:</p> <p><u>New Schools</u></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> <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>
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- 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 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 primary	Female	726	2,320	4,801	10,318	-	-	-	18,165	49.1%
	Male	698	2,423	5,063	10,627	-	-	-	18,811	50.9%
Mainstream secondary (inc all-through)	Female	47	73	174	324	8,102	4,991	665	14,376	49.2%
	Male	48	105	187	272	8,256	5,264	716	14,848	50.8%
Special (exc PRU)	Female	6	24	31	81	124	69	34	369	26.0%
	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 and diverse range of school provision for children and young people in East Sussex:  
On 1 September 2023, there were 174 state funded mainstream schools and 15 special schools and alternative provisions in East Sussex:

46 community schools  
40 voluntary controlled (VC) schools  
21 voluntary aided (VA) schools  
3 foundation schools  
79 academies or free schools

At the October 2023 school census, 10,511 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	%
Maintained VA or VC primary	267	1,239	2,551	5,428	-	-	-	9,485	25.7%
Maintained VA or VC secondary (inc all-through)	-	-	-	-	616	410	-	1,026	3.5%

Source: October 2023 school census.

Note: Several academies are also church schools, these figures are excluded from the table above.

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

	<p>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.</p> <p>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.</p>
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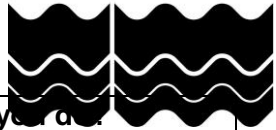
## Update on previous EqlAs and outcomes of previous actions (if applicable)

<b>What actions did you plan last time?</b> (List them from the previous EqlA)	<b>What improved as a result?</b> What outcomes have these actions achieved?	<b>What <u>further</u> actions do you need to take?</b> (add these to the Action Plan below)
This is an update of the Equality Impact Assessment completed in 2022		

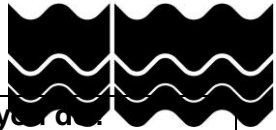
## 1. Review of information, equality analysis and potential actions

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

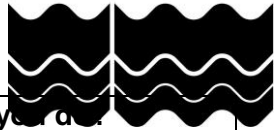
<b>Protected characteristics groups under the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff	<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Age</b>	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.
<b>Disability</b>	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



<b>Protected characteristics groups under the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff	<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
			<p>risen by approximately 190, an 80% increase on the 2018/19 total.</p> <p>We are forecasting a further increase in demand of around 600 or 33% for special school places over the period to 2026/27.</p> <p>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 2019.</p>	<p>special school places and specialist facility provision in the county.</p>

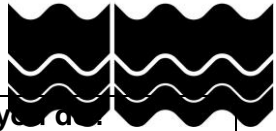


<b>Protected characteristics groups under the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff	<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Gender reassignment</b>	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.
<b>Pregnancy and maternity</b>	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.
<b>Race/ethnicity</b> 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.

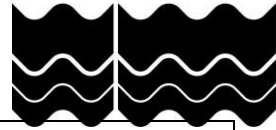


<b>Protected characteristics groups under the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff	<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Religion or belief</b>	<p>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.</p> <p>Most faith schools are also community schools in that they accept pupils of different faiths or no faith.</p>			No specific action identified at this stage.
<b>Sex/Gender</b>	<p>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.</p>			No specific action identified at this stage.
<b>Sexual orientation</b>	<p>The local authority does not believe that children and young people sharing this characteristic would be more affected by any proposals as new school</p>			No specific action identified at this stage.

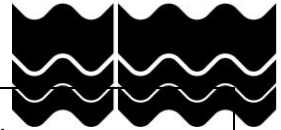




<b>Protected characteristics groups under the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff	<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	places will be provided for everyone.			
<b>Marriage and civil partnership</b>	N/A			N/A
<b>Impacts on community cohesion</b>	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.



<b>Additional categories</b> (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?
<b>Rurality</b>	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.
<b>Carers</b>	N/A			N/A
<b>Other groups that may be differently affected</b> (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.

## 2. 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 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)				