

Equality Impact Analysis

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

<p>Provide a comprehensive description of your Project (Service/Policy, etc.) including its Purpose and Scope</p>	<p>The main purpose of the school basic need capital programme</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 school leaders, 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) 2024 to 2028 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 9 December 2024.</p> <p>Proposals for new schools and school expansions are 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"> • 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. <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"> • Prioritise the expansion of good and outstanding schools • Consider the pattern of parental preference and local demand for places
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- 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.

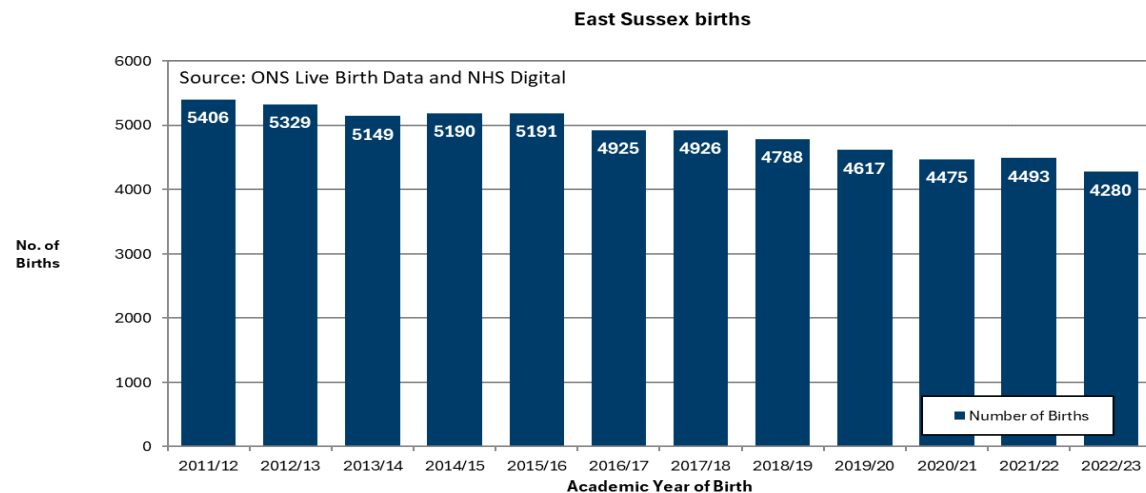
In the medium-term financial plan (MTFP) period, we:

- propose to reorganise and enlarge Grove Park School in Crowborough
- will work with mainstream schools to establish new specialist facilities or enlarge existing facilities

In the period beyond the MTFP, there will continue to be growing demand for special educational needs provision linked to the rising number of children and young people with an Education, Health, and Care Plan (EHCP). In addition, 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.

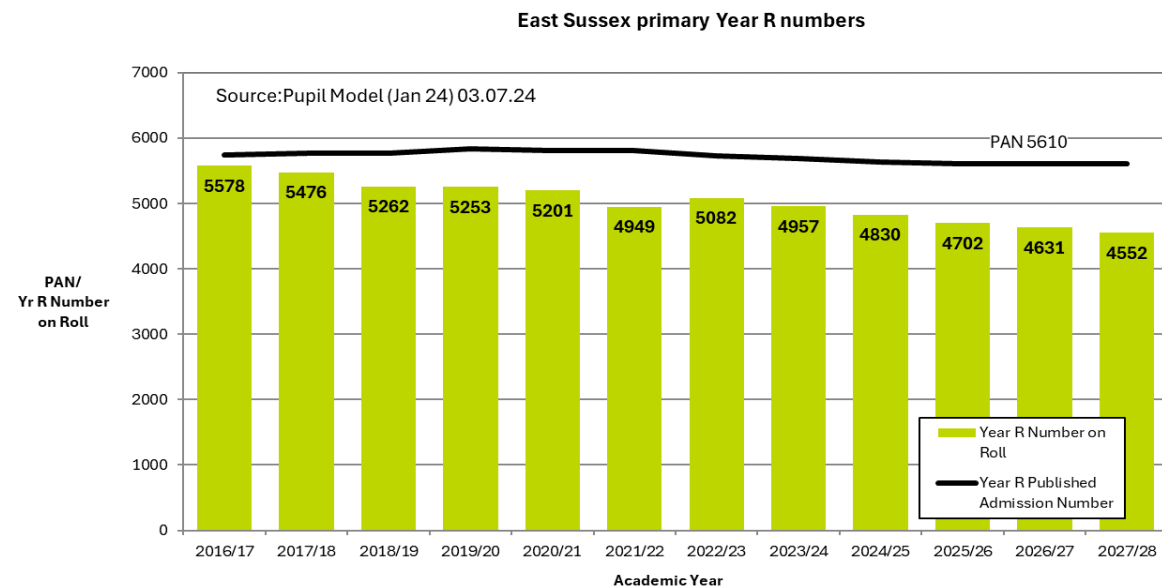
Births

Births in East Sussex peaked at 5,500 in the academic year 2010/11. Since then, countywide births have fallen to below 4,300 in 2022/23. Based on historic patterns of 11-13 year cycles of peaks and troughs, it is anticipated that birth numbers will begin to recover soon, but it is not clear whether 2022/23 marks the lowest point in the cycle.

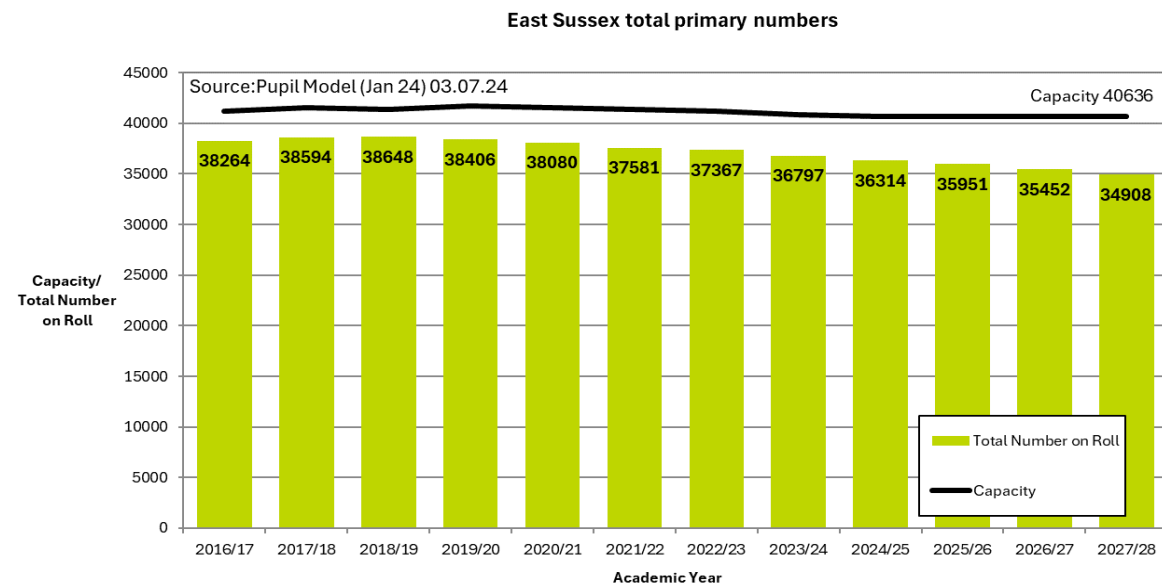


Primary school numbers

The fall in countywide births is reflected in falling primary reception (Year R) intake numbers, at least until 2027/28. The local authority's latest pupil forecasts are showing numbers recovering beyond this point. However, intake forecasts beyond 2027/28 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 until near the end of the decade and high Year R numbers across the county generally until the 2030s.

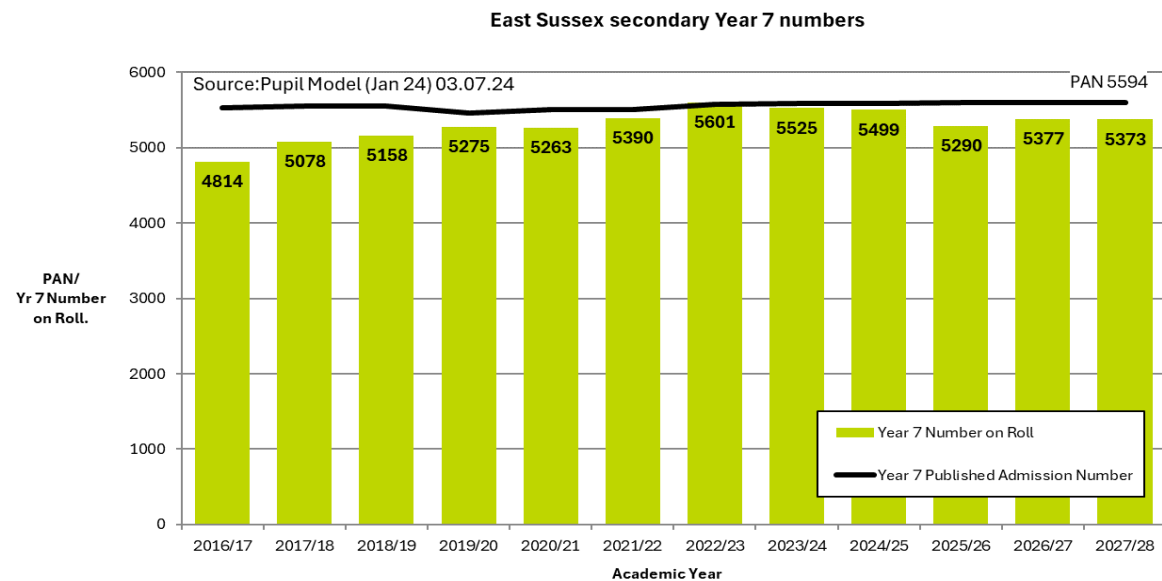


Total numbers on roll in primary schools peaked in 2018/19 and are now in decline. In 2023/24 there was around 11% surplus places overall, although this margin varied from area to area. By 2027/28, surplus places are forecast to rise to 14%.

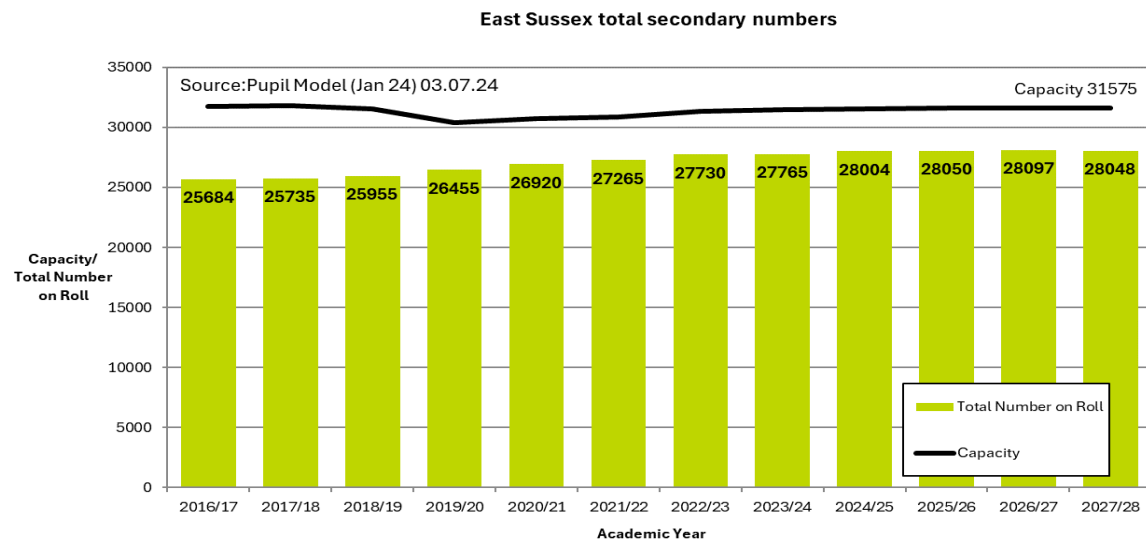


Secondary school numbers

Earlier high numbers in primary schools have been reflected in rising secondary Year 7 school intakes. Year 7 numbers peaked in 2022/23, with total numbers on roll in secondary schools predicted to peak around 2026/27.



Surplus places in secondary schools, at 12% countywide in 2023/24, are predicted to remain relatively steady over the period of the plan.

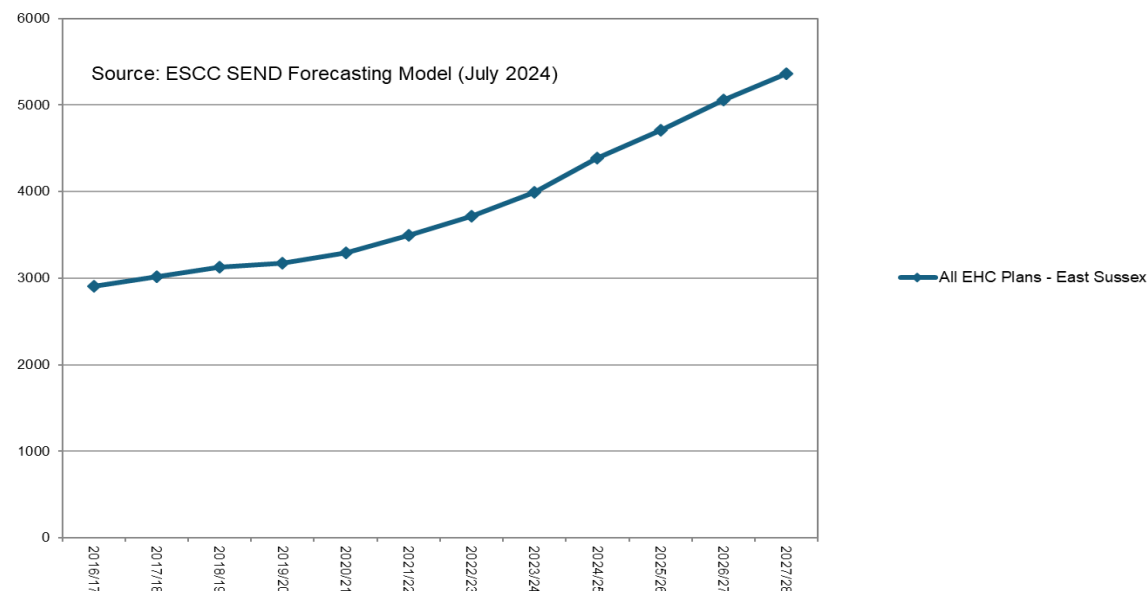


Special Educational Needs and Disability (SEND)

In 2023/24, the number of school aged children (aged 4-18) in East Sussex with an Education, Health and Care Plan (EHCP) was 3,989. There were also 482 young people aged 19-25 with an EHCP who need continued support to transition to adulthood.

Over the next four years, the local authority forecasts that overall numbers of school aged children with EHCPs will grow, by around 34%, to nearly 5,400.

School age children with Education, Health and Care Plans

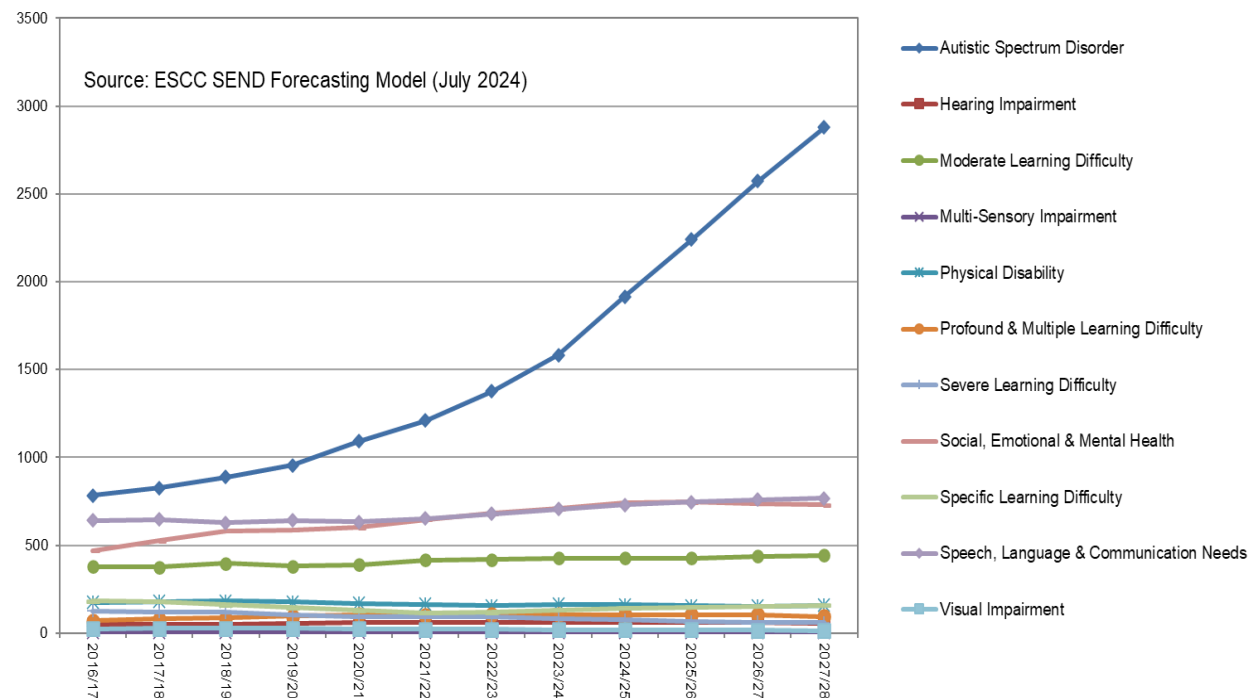


The number of children and young people identified as autistic is growing year on year and is translating into rapidly increasing numbers of EHCPs issued with a primary need classification of 'Autistic Spectrum Disorder (ASD)'. There are no signs of this trend reducing, and autism diagnoses look like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

The local authority has seen 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).

The number of plans issued for other primary need groups are generally stable or falling. The following chart shows the number of school age children with an EHCP by primary need type.

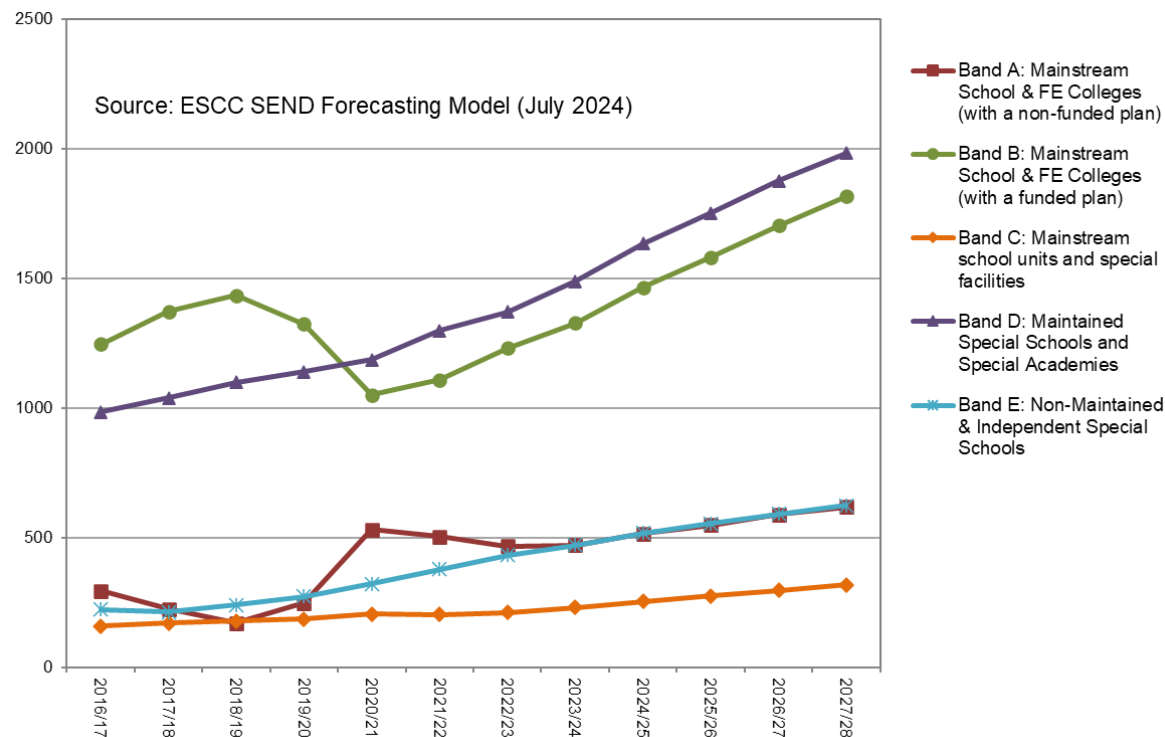
EHCPs by primary need group



In 2023/24, there were 1,873 East Sussex resident children and young people on roll in special schools. 1,645 were in schools in East Sussex and 228 were in schools in other authorities. 1,453 were in maintained and academy provision and 420 were in non-maintained independent special schools. A further 233 East Sussex resident children and young people 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.

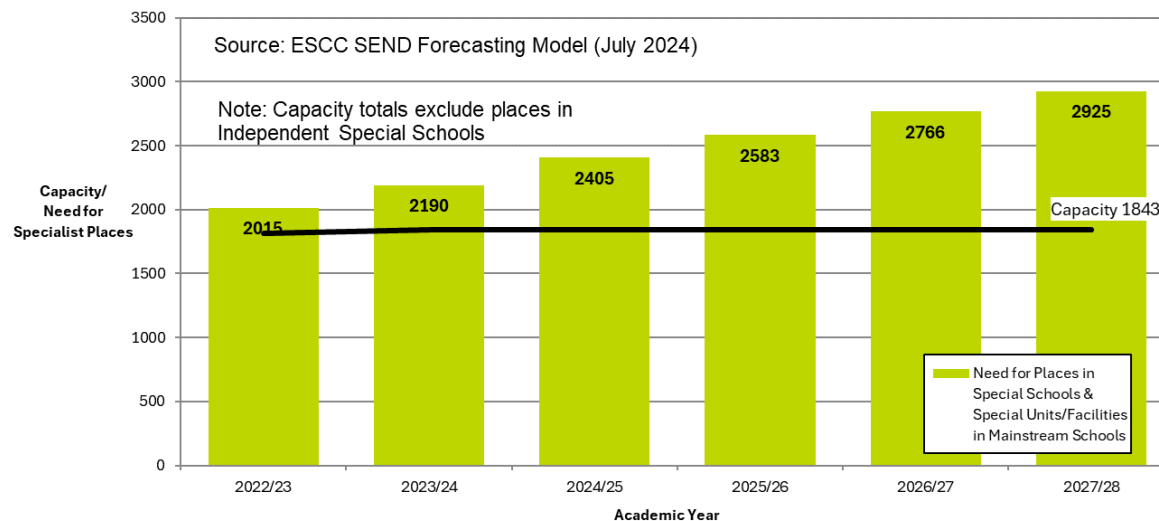
EHCPs by Type of Provision Needed



The numbers assessed as requiring a special school place have risen by approximately 550 (39%) over the past four years. The number assessed as requiring maintained/ academy special school places has risen by approximately 350 (31%). The number of pupils requiring non-maintained independent special school places has risen by approximately 200, a 73% increase.

The following chart compares the combined capacity of places in special schools and specialist facilities in mainstream schools with the current and forecast need for such places. The local authority does not have data on places in independent special schools. In reality, most of the current shortfall in places shown in the table is being met by independent special school placements.

Need for Special School Places from 2022/23 to 2027/28



The local authority has to use high cost independent and non-maintained special school provision to meet need for specialist placements. This is because there is insufficient capacity in state run provision. If current placement trends continue over the period to 2027/28, the effective shortfall in state run specialist provision is forecast to increase by over 700 places.

Figures for 2023/24 show that 2.2% of all pupils in state-funded schools in East Sussex are in special schools. This compares to the national average for England of 1.9%. (Schools, Pupils and Their Characteristics, Department for Education, 2024).

Implementation of the school basic need capital programme

The local authority will work in partnership with schools, academy trusts, dioceses, consultants, 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 would 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 would make final decisions on individual proposals following statutory consultations with key stakeholders.</p> <p>Legal duty</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>While the Children's Wellbeing and Schools Bill proposes some changes, currently, 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 would 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 would not require a separate application for approval, since the Secretary of State would 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 would 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 for:</p> <ul style="list-style-type: none"> • a new voluntary aided school. • a new foundation, voluntary controlled or foundation special school which: replaces one or more foundation or voluntary schools with a religious character; replaces an independent school that is not an academy, a city technology college or a city college for the technology of the arts; in the case of a new foundation special school, replaces a non-maintained special school.
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- a new community, community special, foundation or foundation special school, where a section 7 competition has been held but did not identify a suitable provider.
- a new community, community special, foundation or foundation special primary school to replace a maintained infant and a maintained junior school.
- a new maintained nursery school.

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

At the October 2024 school census, there were 66,915 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	4,608	9,801	20,545	-	-	-	36,378
Mainstream secondary (inc all-through)	91	178	360	661	16,265	10,190	1,260	29,005
Special (exc PRU)	20	74	160	342	514	328	94	1,532

Source: October 2024 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	59	383	1,556	4,264	-	-	-	6,262	17.2%
Mainstream secondary (inc all-through)	-	<5	36	106	3,098	1,747	33	5,021	17.3%
Special (exc PRU)	20	74	160	342	514	369	53	1,532	100.0%

Source: October 2024 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 and staff 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 would have a positive impact as all new and extended provision would help to meet demand for places in a local area and would be compliant with DDA regulations and the Equality Act 2010 for pupils and staff with a disability.

Of the 66,915 children and young people on roll in East Sussex schools in October 2024, 32,521 (48.6%) were female and 34,394 (51.4%) were male:

School type	Gender	Nursery	Year R	KS1	KS2	KS3	KS4	KS5	Total	%
Mainstream primary	Female	697	2,279	4,769	10,116	-	-	-	17,861	49.1%
	Male	727	2,329	5,032	10,429	-	-	-	18,517	50.9%
Mainstream secondary (inc all-through)	Female	43	90	162	355	8,046	4,960	605	14,261	49.2%
	Male	48	88	198	306	8,219	5,230	655	14,744	50.8%
Special (exc PRU)	Female	6	23	41	85	129	75	40	399	26.0%
	Male	14	51	119	257	385	253	54	1,133	74.0%

Source: October 2024 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 would be more affected by any proposals than the other as all state-funded schools in East Sussex are co-educational.

At the January 2024 school census, there were 11,095 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	282	800	1,672	3,504	-	-	-	6,258	16.8%
Mainstream secondary (inc all-through)	15	40	64	136	2,488	1,711	176	4,630	16.0%
Special (exc PRU)	4	10	17	60	62	35	19	207	14.4%

Source: January 2024 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 would be provided for everyone.

Each proposal would have a positive impact on local school age children and young people and their families, including those from different ethnic backgrounds, as they would 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 2024, there were 187 state funded schools, of which 172 were mainstream primary, secondary and all-through schools and 15 were special schools and alternative provisions:

43 community schools
38 voluntary controlled (VC) schools
19 voluntary aided (VA) schools
3 foundation schools
84 academies (including free schools)

At the October 2024 school census, 10, children and young people attended local authority-maintained faith schools (VC or VA) in East Sussex:

School type	Nursery	Year R	KS1	KS2	KS3	KS4	KS5	Total	%
Maintained VA or VC primary	259	1,102	2,370	5,043	-	-	-	8,774	24.1%
Maintained VA or VC secondary (inc all-through)	-	-	-	-	622	412	-	1,034	3.6%

Source: October 2024 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 would be an impact on people with different religions and beliefs as there would 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 would have a positive impact on local school age children and young people and their families as it would enable more children and young people to access a school place in their local area. New special schools and specialist facilities would have a positive impact on children from a wider area who would 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 would be undertaken to gauge opinion for the proposal and to identify any potential equality barriers specifically related to that proposal.

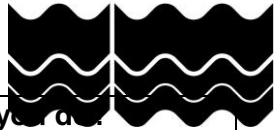
1. Update on previous EqlAs and outcomes of previous actions (if applicable)

What actions did you plan last time? (List them from the previous EqlA)	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 2024		

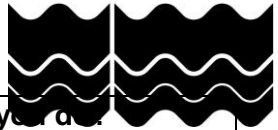
2. Review of information, equality analysis and potential actions

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

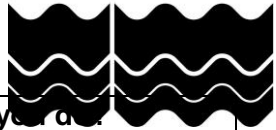
Protected characteristics groups under the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts identified from data and feedback (actual and potential)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age	Proposals would affect children and young people of primary and secondary school age both in mainstream and special school settings.	The local authority would 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 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 would 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 overall numbers of children and young people aged 4 to 25 with an EHCP has been rising steeply. In 2023/24, the number of school aged children (aged 4-18) in East Sussex with an EHCP stood at 3,989. There were also 482 young people aged 19-25 who need continued support to transition to adulthood.	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. In recent years, the local authority has taken action to address the increasing



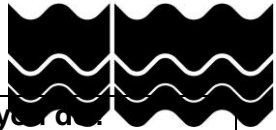
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			<p>Over the next four years, the local authority forecasts that overall numbers of school aged children with EHCPs will grow, by around 34%, to nearly 5,400.</p> <p>The numbers of children and young people assessed as requiring a special school place have risen by approximately 550 (39%) over the past four years. The number assessed as requiring maintained/academy special school places has risen by approximately 350 (31%). The number of pupils requiring non-maintained independent special school places has risen by approximately 200, a 73% increase.</p> <p>If current placement trends continue over the period to 2027/28, the effective</p>	<p>demand for special school and specialist facility places and manage the high cost of placements in non-maintained independent schools. 381 new special school and alternative provision places have opened in the county in four establishments. We have created 72 new specialist facility places at seven mainstream schools and extended the designation of specialist facilities at two mainstream schools to reflect the growing demand for provision for children with autism.</p> <p>The local authority is continuing its strategy of increasing the number of places available in special schools and specialist facilities. This is alongside developing inclusion in mainstream schools. This</p>



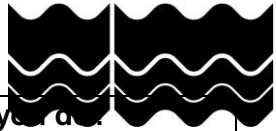
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			shortfall in state run specialist provision is forecast to increase by over 700 places.	includes a proposed project to reorganise and expand Grove Park School to increase capacity. We plan to create extra specialist facility places through new and expanded facilities in primary and secondary schools. We are currently seeking expressions of interest from schools for this. We have also identified a need for more specialist provision for post-16 learners. We are working with special schools, FE Colleges and other post-16 providers to explore how to deliver this.
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			No specific action identified at this stage.



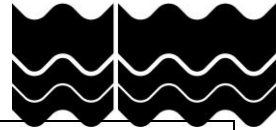
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	places would be provided for everyone.			
Pregnancy and maternity	The local authority does not believe that children and young people sharing this characteristic would be more affected by any proposals as new school places would be provided for everyone.			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 would be provided for everyone.			No specific action identified at this stage.
Religion or belief	The local authority does not believe there would be an impact on people with different religions and beliefs as there would continue to be a diverse range of provision across			No specific action identified at this stage.



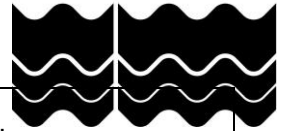
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	<p>the county for all children and young people.</p> <p>Most faith schools are also community schools in that they accept pupils of different faiths or no faith.</p>			
Sex/Gender	The local authority does not believe that children and young people sharing this characteristic would be more affected by any proposals as new school places would 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 would be provided for everyone.			No specific action identified at this stage.
Marriage and civil partnership	N/A			N/A



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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 would 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 would 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 – see end note)	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)

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 would 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) 2024 to 2028				