

**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<sup>1</sup>.

EqIAs are used to analyse and assess how the Council's work might impact differently on different groups of people<sup>2</sup>. 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<sup>3</sup>.

<b>Title of Project/Service/Policy<sup>4</sup></b>	<b>Proposed Reorganisation and Enlargement of Grove Park School</b>
<b>Team/Department<sup>5</sup></b>	<b>Education Division</b>
<b>Directorate</b>	<b>Children's Services</b>
<b>Provide a comprehensive description of your Project (Service/Policy, etc.) including its Purpose and Scope<sup>6</sup></b>	<p><b>Background</b></p> <p>Grove Park School, Crowborough, is a maintained special school for pupils aged 4-19 located in the Wealden area. There are 13 state special schools in East Sussex. Grove Park School is the only special school in the north of the county, and the only maintained special school in the county.</p> <p>Grove Park School currently comprises three phases: primary, secondary and sixth form, located on separate sites in Crowborough. The primary phase (4-11) is based at Church Road, the secondary phase (11-16) is co-located on the Beacon Academy secondary site in Beeches Road and the sixth form (post-16) is co-located with Beacon Academy's sixth form at Green Lane. The school's provision meets the needs of learners with complex needs including those with Profound and Multiple Learning Difficulties (PMLD), Severe Learning Difficulties (SLD), Autistic Spectrum Disorders (ASD) and Sensory Needs. At the October 2024 School Census, the school had 146 pupils on roll.</p> <p>The local authority has a statutory duty to identify, assess and provide for children and young people with special educational needs. An assessment may lead to the issuing of an Education, Health, and Care Plan</p>

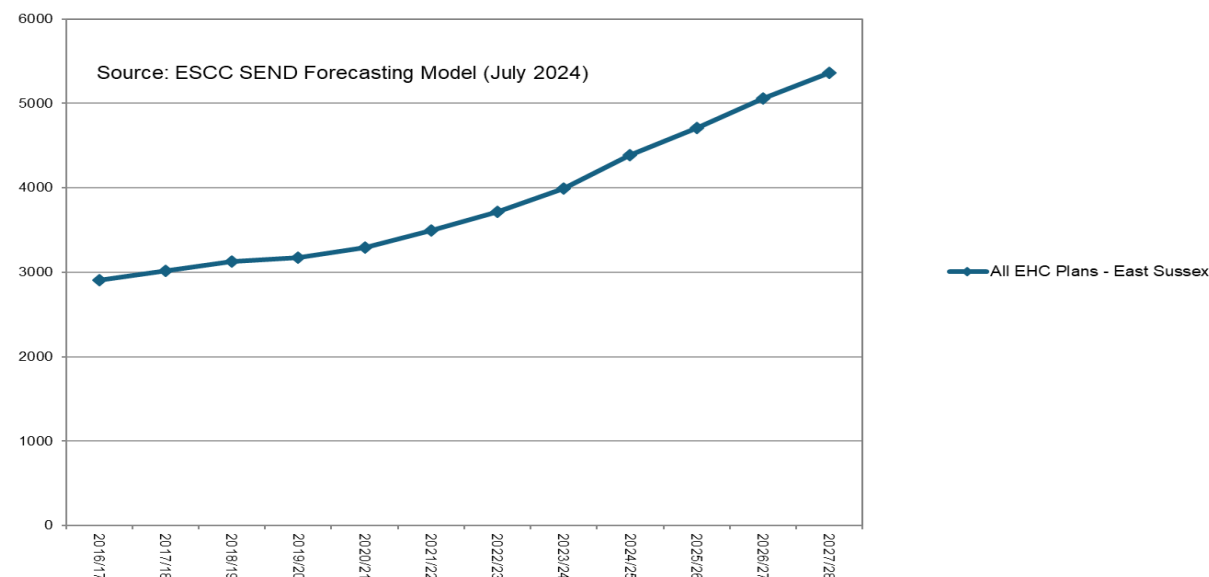
(EHCP) for a child. An EHCP sets out the additional support a child or young person needs and the type of school (mainstream or special) or other provision they will attend in order to meet their needs.

The overall numbers of children and young people aged 4 to 25 with an EHCP in East Sussex 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. Over the next four years, the local authority forecasts that overall numbers of school aged children with EHCPs will grow, by around 34%, to stand at approximately 5,400.

Table 1: Overall numbers of school aged children with EHCPs

Academic year	EHCPs
2016/17	2909
2017/18	3022
2018/19	3126
2019/20	3170
2020/21	3297
2021/22	3494
2022/23	3713
2023/24	3989
2024/25	4385
2025/26	4713
2026/27	5059
2027/28	5360

Source: ESCC SEND Forecasting Model (July 2024)



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.

Linked to the rise in pupils with EHCPs, pupil numbers have increased significantly at Grove Park School. At the request of the local authority, the school has taken pupils with a broader range of need than PMLD, including pupils with ASD and SLD. As a result, pupil numbers at the school have grown from 100 in 2012/13 to 133 in 2022/23 and 146 in 2024/25, an overall increase of 46%. As the only special school in the north of the county, there will continue to be significant pressure on places at the school for PMLD places as well as the other needs the school caters for, including ASD and SLD.

Local authorities have a statutory duty to ensure there are sufficient school places for all pupils, including for those with special educational needs and disabilities (SEND). As illustrated in Table 1, the local authority’s SEND forecasts provide clear evidence that we will continue to see an increase in the number of

pupils with SEND in the coming years. As a result, the Local Authority is proposing to reorganise Grove Park School and enlarge its Church Road premises to meet the growing demand for places by:

1. lowering the school's age range from 4-19 to 2-19 to establish nursery provision for eight full-time equivalent (fte) two- and three-year-olds, and
2. relocating the secondary phase to Grove Park School's Church Road premises to accommodate additional pupils by building a new block on the site, thereby partially ending the school's current co-location arrangement with Beacon Academy.

This is a slight change to the proposal consulted on in 2023. It was originally proposed to enlarge the premises at Church Road to also accommodate an enlarged sixth form. The sixth form is co-located at Beacon Academy's Green Lane site. However, due to budgetary constraints and challenging site conditions at the Church Road site it has been necessary for the local authority to reduce the scope of the proposed project. As a result, under the amended proposals Grove Park School sixth form pupils would continue to be co-located at Beacon Academy.

### Who is affected by the Proposal?

#### Children and their families

The proposal would affect pupils on roll at Grove Park School and their families. Table 2 shows the number of pupils on roll at the school at the October 2024 School Census compared to special schools in Wealden and East Sussex as a whole.

Table 2: Pupils on roll in special schools, October 2024

School	Primary							Secondary								Total
	Year							Year								
	R	1	2	3	4	5	6	7	8	9	10	11	12	13	14	
Grove Park School	10	11	7	11	9	6	5	8	17	12	14	14	10	7	5	146
Special schools in Wealden	10	11	7	13	19	18	19	31	39	34	52	57	10	7	5	332
Special schools in East Sussex (exc. PRU)	74	84	76	75	89	88	90	157	177	180	166	162	41	31	22	1,512

Source: October 2024 school census

At the October 2024 school census there were 51 female and 95 male children on roll at the school as set out in Table 3.

Table 3: Gender of children attending special schools, October 2024

School type	Gender	Primary	Secondary	Total	%
Grove Park School	Female	14	37	51	34.9%
	Male	45	50	95	65.1%
Special schools in Wealden	Female	23	59	82	24.7%
	Male	74	176	250	75.3%
Special schools in East Sussex (exc. PRU)	Female	149	244	393	26.0%
	Male	427	692	1,119	74.0%

Source: October 2024 school census

The data above shows that in October 2024 females attending Grove Park School were significantly under-represented compared to males who are over-represented. This is in line with the picture in special schools in Wealden and in East Sussex as a whole.

The local authority does not believe that any one gender would be more affected by the proposal than the other as Grove Park School is co-educational.

At the January 2024 school census, the number of minority ethnic children on roll in special schools was as follows:

Table 3: Minority ethnic children in special schools

School type	Primary	Secondary	Total	%
Grove Park School	10	18	28	19.5%
Special schools in Wealden	11	30	41	13.4%
Special schools in East Sussex (exc. PRU)	87	116	203	14.1%

Source: January 2024 school census

The data above shows that minority ethnic children at Grove Park School are over-represented in comparison to the Wealden and East Sussex averages. The local authority does not believe that minority ethnic children would be more affected by the proposal than those in the general population who do not share that protected characteristic as the proposal would benefit all children attending the school.

#### SEN Pupils including those with an EHCP

As Grove Park School is a special school, all pupils on roll (100%) have an EHCP.

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 table 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.

#### Key to table:

Band A: Mainstream School and Further Education Colleges (with a Non-Funded Plan)

Band B: Mainstream School and Further Education Colleges (with a Funded Plan)

Band C: Mainstream School Units and Special Facilities

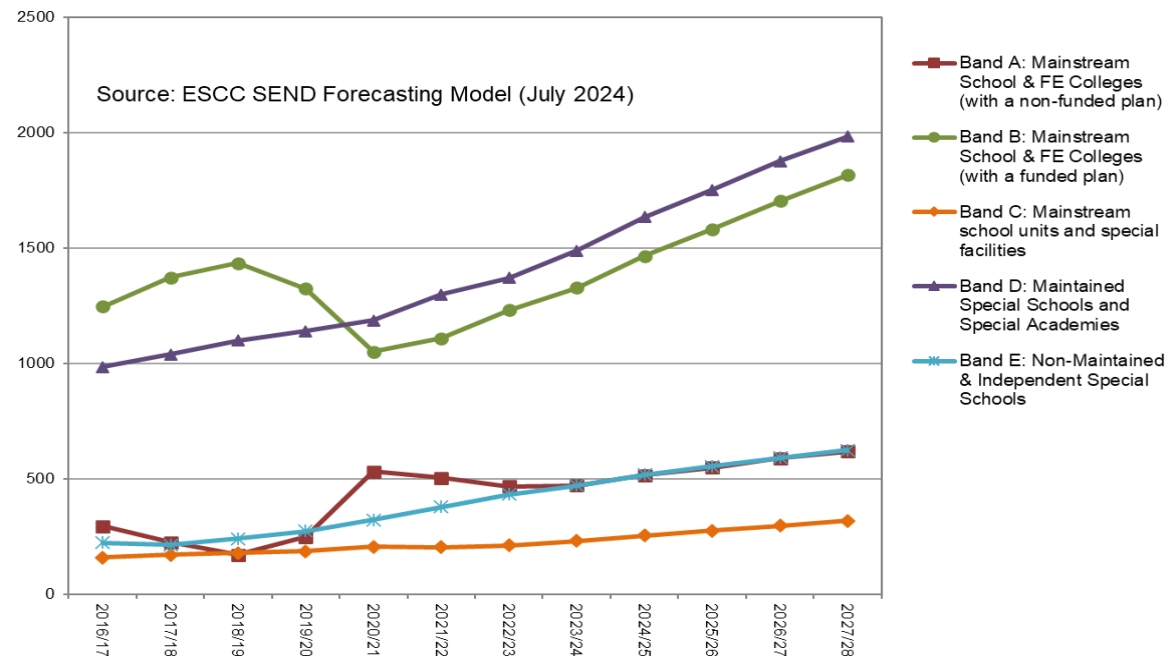
Band D: Maintained Special Schools and Special Academies

Band E: Non-Maintained and Independent Special Schools

#### EHCPs by Type of Provision Needed

Need	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	2026/ 27	2027/ 28
Band A	294	226	171	248	532	505	468	472	515	550	589	619
Band B	1246	1373	1435	1323	1051	1108	1230	1327	1465	1581	1704	1816
Band C	160	170	179	187	206	204	211	230	254	276	297	318
Band D	985	1039	1100	1139	1186	1298	1371	1488	1633	1753	1877	1983
Band E	224	214	241	273	322	379	433	472	517	554	591	624
<b>Total</b>	<b>2909</b>	<b>3022</b>	<b>3126</b>	<b>3170</b>	<b>3297</b>	<b>3494</b>	<b>3713</b>	<b>3989</b>	<b>4385</b>	<b>4713</b>	<b>5059</b>	<b>5360</b>

Source: ESCC SEND Forecasting Model (July 2024)



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.

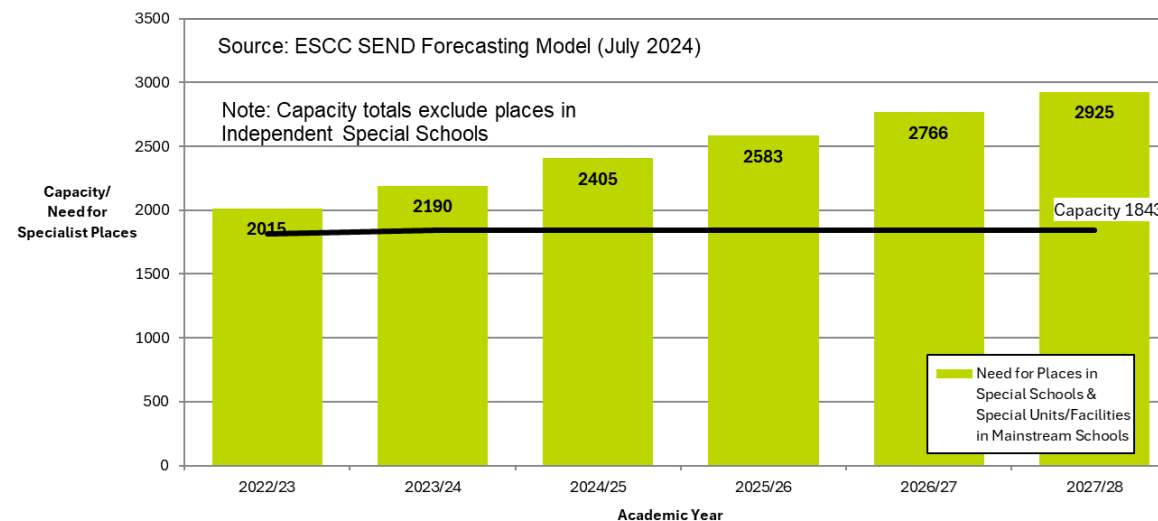
The following table compares the combined capacity of places in special schools and specialist facilities in mainstream schools with the current and forecast need for such places. The local authority does not have data on places in independent special schools. In reality, most of the current shortfall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

	Capacity of places 2023/24*	Need 2022/23	Need 2023/24	Need 2024/25	Need 2025/26	Need 2026/27	Need 2027/28
Number of EHCPs	1843	2015	2190	2405	2583	2766	2925

Source: ESCC SEND Forecasting Model (July 2024)

\*Capacity totals exclude places in Independent Special Schools



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).



	<p><b><u>Impact on Staff</u></b></p> <p>Some Grove Park School staff currently located at Beacon Academy would be required to relocate to the Church Road premises, a distance of 0.8 miles by road. The proposed changes would lead to better utilisation and deployment of staff and may present opportunities for staff for more professional development.</p> <p><b>Benefits of the proposal</b></p> <p>The local authority believes bringing Grove Park School's primary and secondary phases together on one site, and adding nursery provision, would have several benefits for the pupils attending the school:</p> <ul style="list-style-type: none"> <li>• The increasing pupil numbers at Grove Park School and Beacon Academy has meant that the intended integration of both sets of pupils is no longer practical.</li> <li>• Pupils attending the secondary provision have limited access to shared spaces, such as the sports facilities and specialist rooms. A single site for primary and secondary pupils at Grove Park School would afford ownership of those facilities and the flexibility to timetable spaces with the needs of the pupils at the centre of the decision making.</li> <li>• The school's budget can be used more effectively as some services could be centralised, for example, one reception area at Church Road for primary and secondary. Teaching, administration, and site staff would work across two sites rather than three, leading to better utilisation and deployment of staff.</li> <li>• Currently, the ability to share learning resources is limited, for example, the school has three PE storage areas with similar resources, which on two sites, could more easily be shared, leading to better utilisation of learning resources.</li> <li>• For regular visitors, for example therapists, being able to visit two sites would reduce travel time and increase the access to therapy for those pupils that need it.</li> <li>• Bringing the primary and secondary phases together on one site would give pupils and their families a sense of community, belonging and identity.</li> </ul> <p><b>Consultation</b></p> <p>The local authority undertook a consultation on the proposals between 19 May and 23 June 2024 and published a statutory proposal between 10 January 2025 and 6 February 2025. From the comments received during the consultation and representation period following publication of the statutory proposal,</p>
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	<p>there was a recognition of the need for more places in the area and the benefits of bringing the school together on one site. Concerns were raised about the capacity of the Church Road site to accommodate an all-through school, the impact on parking and drop-off/pick up arrangements, and the potential impact on pupils of noise and disruption during a build project. The detailed design process has carefully considered the positioning of the proposed new teaching block to limit its impact on the Church Road site and to address any potential impacts on traffic and parking. These issues will be considered by the Local Authority's Planning Committee in determining the planning application for the new block. The building works would be planned carefully, and contractors would work closely with the school to ensure that works are scheduled to keep noise and disruption to a minimum. The building site would be a secure area to ensure the health and safety of the children, young people, staff, parents/carers and visitors to the school.</p>
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## Initial assessment of whether your project requires an EqlA

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?	X		
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?	X		
3	Are there any proposed changes in the service/policy that may affect service-users/staff/residents directly?	X		
4	Is there potential for, or evidence that, the service/policy may adversely affect inclusiveness or harm good relations between different groups of people?		X	
5	Is there any potential for, or evidence that any part of the service/aspects of the policy could have a direct or indirect discriminatory effect on service-users/staff/residents ?		X	
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?	X		

If you have answered “YES” or “DON’T KNOW” to any of the questions above, then the completion of an EqlA is necessary.

The need for an EqlA 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
The proposal will benefit children and young people with Special Educational Needs on roll at Grove Park School. No group will be disadvantaged by the proposal. The proposal will allow children and young people to be educated at a school that meets their needs within a reasonable distance from their homes.		

## 1. Update on previous EqlAs and outcomes of previous actions (if applicable)<sup>7</sup>

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)
Not applicable		

## 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 <sup>8</sup> ? Summary of data about your service-users and/or staff	What do people tell you <sup>9</sup> ? Summary of service-user and/or staff feedback	What does this mean <sup>10</sup> ? Impacts identified from data and feedback (actual and potential)	What can you do <sup>11</sup> ? 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>
Age <sup>12</sup>	Across Grove Park School education provision is currently provided for pupils aged 4-19. The proposal not only allows for continuation of provision for that age range but would also extend it to ages 2-19 by lowering the age range.	<p>65% of respondents provided their age which was between 35 and 75. Of those that provided their age, 85% supported the proposal to lower the age range of the new school to provide nursery provision and 15% either did not support the proposal or were undecided.</p> <p>77% supported the proposal to enlarge the premises at the Church Road site and 23% either did not support the proposal or were undecided.</p>	No age-related barriers were identified by respondents.	<p>The proposal will have a positive impact on children and young people at the school. Making appropriate local provision available is positive for children and young people and supports the local authority's vision to ensure children and young people with SEND can access the help and support they need to thrive and achieve within their local communities.</p> <p>Bringing pupils together on one site would give them and their families a sense of community, belonging and identity.</p>

Protected characteristics groups under the Equality Act 2010	What do you know <sup>8</sup> ? Summary of data about your service-users and/or staff	What do people tell you <sup>9</sup> ? Summary of service-user and/or staff feedback	What does this mean <sup>10</sup> ? Impacts identified from data and feedback (actual and potential)	What can you do <sup>11</sup> ? All potential actions to: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Disability <sup>13</sup>	Grove Park School is a special school. All pupils attending the school (100%) have an EHCP.	5% of respondents stated they have a physical or mental health condition or illness lasting or expected to last 12 months or more. Of those 100% supported the proposals to lower Grove Park School's age range and enlarge the premises at the Church Road site	No impacts were identified	The proposal to lower Grove Park School's age range and enlarge the premises at the Church Road site will have a positive impact on children and young people with SEN as special school places will be available locally to meet their educational needs.
Gender reassignment <sup>14</sup>	The local authority does not believe that children and young people sharing this characteristic would be more affected by the proposal than children and young people who do not share this characteristic	Not applicable	Not applicable	No specific action identified at this stage.
Pregnancy and maternity <sup>15</sup>	The local authority does not believe that people sharing this characteristic would be	Not applicable	Not applicable	No specific action identified at this stage.

Protected characteristics groups under the Equality Act 2010	What do you know <sup>8</sup> ? Summary of data about your service-users and/or staff	What do people tell you <sup>9</sup> ? Summary of service-user and/or staff feedback	What does this mean <sup>10</sup> ? Impacts identified from data and feedback (actual and potential)	What can you do <sup>11</sup> ? All potential actions to: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	more affected by the proposal than people who do not share this characteristic.			
<b>Race (ethnicity)<sup>16</sup></b> Including migrants, refugees and asylum seekers	Data on the number of ethnic minority children attending Grove Park School is noted above.	No respondents indicated they were from an ethnic minority group.	No race related barriers were identified by respondents.	The local authority does not believe that people sharing this characteristic would be more affected by the proposal than people who do not share this characteristic.
<b>Religion or belief<sup>17</sup></b>	Grove Park School is a community school. There would be no change to the school's category as a result of the proposal.	30% of respondents stated they have a religion or belief. Of those, 100% supported the proposal to lower Grove Park School's age range.  83% supported the proposal to enlarge the premises at the Church Road site and 17% did	No impacts relating to religion or belief were identified by respondents	The local authority does not believe that people sharing this characteristic would be more affected by the proposal than people who do not share this characteristic.

Protected characteristics groups under the Equality Act 2010	What do you know <sup>8</sup> ? Summary of data about your service-users and/or staff	What do people tell you <sup>9</sup> ? Summary of service-user and/or staff feedback	What does this mean <sup>10</sup> ? Impacts identified from data and feedback (actual and potential)	What can you do <sup>11</sup> ? All potential actions to: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
		not support the proposal.		
Sex <sup>18</sup>	Data on the prevalence of male to female pupils at Grove Park School is noted above.	<p>Of the respondents who indicated they were female, 92% supported the proposal to lower Grove Park School's age range and 8% did not support the proposal.</p> <p>83% of the female respondents supported the proposal to enlarge the premises at the Church Road site and 17% did not support the proposal.</p> <p>Of the respondents who indicated they were male, 67% supported the proposal to lower Grove Park School's age range and enlarge the premises</p>	No barriers relating to sex were identified by respondents.	The local authority does not believe that people sharing this characteristic would be more affected by the proposal than people who do not share this characteristic.



Protected characteristics groups under the Equality Act 2010	What do you know <sup>8</sup> ? Summary of data about your service-users and/or staff	What do people tell you <sup>9</sup> ? Summary of service-user and/or staff feedback	What does this mean <sup>10</sup> ? Impacts identified from data and feedback (actual and potential)	What can you do <sup>11</sup> ? All potential actions to: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
		at the Church Road site and 33% were undecided.		
Sexual orientation <sup>19</sup>	The local authority does not believe that people sharing this characteristic would be more affected by the proposal than people who do not share this characteristic.	Not applicable.	Not applicable.	No specific action identified at this stage.
Marriage and civil partnership <sup>20</sup>	Not applicable to this proposal.	Not applicable.	Not applicable.	Not applicable.
Armed Forces <sup>21</sup>	Not applicable to this proposal.	Not applicable.	Not applicable.	Not applicable.
Impacts on community cohesion <sup>22</sup>	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	No specific feedback was given relating to the wider community.	Not applicable.	The proposal would bring a number of benefits to the school community, including: • improved access by having a single site for primary and secondary pupils to shared spaces, such

Protected characteristics groups under the Equality Act 2010	What do you know <sup>8</sup> ? Summary of data about your service-users and/or staff	What do people tell you <sup>9</sup> ? Summary of service-user and/or staff feedback	What does this mean <sup>10</sup> ? Impacts identified from data and feedback (actual and potential)	What can you do <sup>11</sup> ? All potential actions to: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	diversity, encourages collaboration between schools and promotes community cohesion.			<p>as the sports facilities and specialist rooms.</p> <ul style="list-style-type: none"> <li>• Better use of the school's budget as some services could be centralised, e.g. one reception area at Church Road for primary and secondary and better utilisation and deployment of staff.</li> <li>• Improved ability to share learning resources.</li> <li>• Pupils and their families having a better sense of community, belonging and identity through bringing the primary and secondary phases together on one site.</li> </ul>

### Additional categories

(identified locally as potentially causing / worsening inequality)

Characteristic	What do you know <sup>23</sup> ?	What do people tell you <sup>24</sup> ?	What does this mean <sup>25</sup> ?	What can you do <sup>26</sup> ?
<b>Rurality<sup>27</sup></b>	Not applicable to this proposal.	Not applicable	Not applicable	Not applicable
<b>Carers</b>	Not applicable to this proposal.	Not applicable	Not applicable	Not applicable
<b>Other groups that may be differently affected</b> (including but not only: homeless people, substance users, care leavers - see end note) <sup>28</sup>	Not applicable to this proposal.	Not applicable	Not applicable	Not applicable

**Assessment of overall impacts and any further recommendations<sup>29</sup>** - include assessment of cumulative impacts (where a change in one service/policy/project may have an impact on another)

In recent years, the local authority has taken action to address the increasing 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 (five primary and two secondary). Two mainstream schools have extended the designation of their existing specialist facilities. This is to reflect the growing demand for provision for children with autism.

We are continuing our strategy of increasing the number of places available in special schools and specialist facilities. This is alongside developing inclusion in mainstream schools. This includes the proposed project to reorganise and expand Grove Park School with the positive benefits that would bring set out above.

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

Source and type of data (e.g. research, or direct engagement (interviews), responses to questionnaires, etc.)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
The local authority consulted with key stakeholders and interested parties on the proposals.	19 May 2023 to 23 June 2023	Not applicable	Not applicable
The local authority published a statutory proposal providing key stakeholders and interested parties with the opportunity to make further representation on the proposals.	10 January 2025 to 6 February 2025	Not applicable	Not applicable

#### 4. Prioritised Action Plan<sup>30</sup>

NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
In the event that the decision is taken to lower the age range to 2019, and to enlarge the premises at the school's Church Road site the local authority would work with the school to implement the proposal by 1 September 2027.				

(Add more rows as needed)

**EqlA sign-off:** (for the EqlA to be final an email must be sent from the relevant people agreeing it, or this section must be signed)

Staff member competing Equality Impact Analysis: Catherine Denyer Date: 27 February 2025

Directorate Management Team rep or Head of Service: Jessica Stubbings Date: 13 March 2025

Equality lead: Atiya Gourlay Date: 11 March 2025

## Guidance end-notes

<sup>1</sup> The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the Council must be aware of the Council's duties under the Equality Act 2010 and ensure they comply with them appropriately in their daily work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken - not afterwards.
- **Real Consideration:** the duty must be an integral, rigorous part of your decision-making process and influence the process.
- **Sufficient Information:** you must assess what information you have and what is further needed to give proper consideration.
- **No delegation:** the Council is responsible for ensuring that any contracted services, which are provided on its behalf need also to comply with the same legal obligations under the Equality Act of 2010. You need, therefore, to ensure that the relevant contracts make these obligations clear to the supplier. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy or service is developed/agreed, and when it is implemented and reviewed.
- **Proper Record Keeping:** to prove that the Council has fulfilled its legal obligations under the Equality Act you must keep records of the process you follow and the impacts identified.

NB: Filling out this EqlA in itself does not meet the requirements of the Council's equality duty. All the requirements above must be fulfilled, or the EqlA (and any decision based on it) may be open to challenge. An EqlA therefore can provide evidence that the Council has taken practical steps comply with its equality duty and provide a record that to demonstrate that it has done so.

## <sup>2</sup> Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the actual and potential impact of our activities on people who share any of the legally 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on the nature of your project, who it might affect, those groups' vulnerability, and the seriousness of any potential impacts it might have. We use this EqlA template to gather information and assess the impact of our project in these areas.

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The following are the duties in the Act. You must give ‘due regard’ (pay conscious attention) to the need to:

- **avoid, reduce, minimise or eliminate any negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **promote equality of opportunity.** This means the need to:
  - Remove or minimise disadvantages suffered by equality groups
  - Take steps to meet the needs of equality groups
  - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
  - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
  - Tackle prejudice
  - Promote understanding

<sup>3</sup> **EqlAs are always proportionate to:**

- The nature of the service, or scope of the policy/strategy
- The resources involved
- The number of people affected
- The size of the likely impact
- The vulnerability of the people affected

The greater the potential adverse impact of the proposed service or policy on a protected group (e.g. disabled people), the more thorough and demanding our process must be so that we comply with the Equality Act of 2010.

<sup>4</sup> **Title of EqlA:** This should clearly explain what service / policy / strategy / change you are assessing

<sup>5</sup> **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

<sup>6</sup> **Focus of EqlA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Analysis (EqlA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the service, policy, strategy, practice, or function?
- Who implements, carries out or delivers the service, policy, strategy, practice, or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the service, policy, strategy, practice, or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes, or improvements, are required and what should the benefits be?
- What do existing or previous reviews of the service, policy, strategy, practice, or function indicate to you?
- What is the reason for the proposal, or change (financial, service scope, legal requirements, etc)? The Equality Act requires us to make these clear.

<sup>7</sup> **Previous actions:** If there is no previous EqlA, or this assessment is for a new service, then simply write 'not applicable'.

<sup>8</sup> **Data:** Make sure you have enough information to inform your EqlA.

- What data relevant to the impact on protected groups of the policy/decision/service is available?<sup>8</sup>
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the protected characteristics in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups / communities?



<sup>9</sup> **Engagement:** You must engage appropriately with those likely to be affected to fulfil the Council's duties under the Equality Act.

- What do people tell you about the services, the policy or the strategy?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
  - (a) consult when proposals are still at a formative stage;
  - (b) explain what is proposed and why, to allow intelligent consideration and response;
  - (c) allow enough time for consultation;
  - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all different perspectives can be captured and considered.
- Identify any gaps in who has been consulted and identify ways to address this.

<sup>10</sup> Your EqlA must get to grips fully and properly with actual and potential impacts.

- The Council's obligations under the Equality Act of 2010 do not stop you taking decisions, or introducing well needed changes; however, they require that you take decisions and make changes conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
  - Are one or more protected groups affected differently and/or disadvantaged? How, and to what extent?
  - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
  - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
  - If there is negative differential impact, how can you minimise that while taking into account your overall aims
  - Do the effects amount to unlawful discrimination? If so, the plan must be modified.
  - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

<sup>11</sup> Consider all three aims of the Act: removing barriers, and also identifying positive actions to be taken.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.

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- Be specific and detailed and explain how far these actions are expected to address the negative impacts.
  - If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
  - An EqlA which has attempted to airbrush the facts is an EqlA that is vulnerable to challenge.

<sup>12</sup> **Age:** People of all ages

<sup>13</sup> **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis. Carers of disabled people are protected within the Act by association.

<sup>14</sup> **Gender Reassignment:** In the Act a transgender person is someone who proposes to, starts or has completed a process to change his or her gender. A person does not need to be under medical supervision to be protected

<sup>15</sup> **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

<sup>16</sup> **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

<sup>17</sup> **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

<sup>18</sup> **Sex:** Both men and women are covered under the Act.

<sup>19</sup> **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

<sup>20</sup> **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

<sup>21</sup> **Armed Forces:** The Armed Forces Act 2021 aims to help prevent service personnel, veterans and their families being disadvantaged when accessing public services. The new duty applies to certain housing, education or healthcare functions, but it is good practice to ensure consideration of impacts on current or former members of the armed forces, as well as their families.

<sup>22</sup> **Community Cohesion:** potential impacts on how well people from different communities get on together. The council has a legal duty to foster good relations between groups of people who share different protected characteristics. Some actions or policies may have impacts - or perceived impacts - on how groups see one another or in terms of how the council's resources are seen to be allocated. There may also be opportunities to positively impact on good relations between groups.

<sup>23</sup> **Data:** Make sure you have enough information to inform your EqlA.

- What data relevant to the impact on protected groups of the policy/decision/service is available?<sup>23</sup>
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the protected characteristics in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?

<sup>24</sup> **Engagement:** You must engage appropriately with those likely to be affected to fulfil the Council's duties under the Equality Act .

- What do people tell you about the services, the policy or the strategy?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
  - (a) consult when proposals are still at a formative stage;
  - (b) explain what is proposed and why, to allow intelligent consideration and response;
  - (c) allow enough time for consultation;

(d) make sure what people tell you is properly considered in the final decision.

- Try to consult in ways that ensure all different perspectives can be captured and considered.
- Identify any gaps in who has been consulted and identify ways to address this.

<sup>25</sup> Your EqlA must get to grips fully and properly with actual and potential impacts.

- The Council's obligations under the Equality Act of 2010 do not stop you taking decisions, or introducing well needed changes; however, they require that take decisions and make changes conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
  - Are one or more protected groups affected differently and/or disadvantaged? How, and to what extent?
  - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
  - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
  - If there is negative differential impact, how can you minimise that while taking into account your overall aims
  - Do the effects amount to unlawful discrimination? If so the plan must be modified.
  - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

<sup>26</sup> Consider all three aims of the Act: removing barriers, and also identifying positive actions to be taken.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to address the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EqlA which has attempted to airbrush the facts is an EqlA that is vulnerable to challenge.

<sup>27</sup> **Rurality:** deprivation is experienced differently between people living in rural and urban areas. In rural areas issues can include isolation, access to services (eg: GPs, pharmacies, libraries, schools), low income / part-time work, infrequent public transport, high transport costs, lack of affordable housing and higher fuel costs. Deprivation can also be more dispersed and less visible.

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<sup>28</sup> **Other groups that may be differently affected:** this may vary by services, but examples include: homeless people, substance misusers, people experiencing domestic/sexual violence, looked after children or care leavers, current or former armed forces personnel (or their families), people on the Autistic spectrum etc.

<sup>29</sup> **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

<sup>30</sup> **Action Planning:** The Council's obligation under the Equality Act of 2010 is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.