

# Equality Impact Assessment

## Project or Service Template

Name of the proposal, project or service
<b>Schools Basic Need Capital Programme</b>

File ref:	Schools Basic Need Capital Programme 2018/19 to 2022/23	Issue No:	1.0
Date of Issue:	January 2019	Review date:	

### Contents

Part 1 – The Public Sector Equality Duty and Equality Impact Assessments (EIA).....	2
Part 2 – Aims and implementation of the proposal, project or service.....	4
Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics. ....	8
Part 4 – Assessment of impact.....	9
Part 5 – Conclusions and recommendations for decision makers.....	21
Part 6 – Equality impact assessment action plan.....	23

## **Part 1 – The Public Sector Equality Duty and Equality Impact Assessments (EIA)**

**1.1** The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An EIA is the best method by which the Council can determine the impact of a proposal on equalities, particularly for major decisions. However, the level of analysis should be proportionate to the relevance of the duty to the service or decision.

**1.2 This is one of two forms that the County Council uses for Equality Impact Assessments, both of which are available on the intranet. This form is designed for any proposal, project or service. The other form looks at services or projects.**

### **1.3 The Public Sector Equality Duty (PSED)**

The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have “due regard” to the need to

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (see below for “protected characteristics”)

These are sometimes called equality aims.

### **1.4 A “protected characteristic” is defined in the Act as:**

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

### **1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:**

- Carers – A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. [Carers at the Heart of 21st Century Families and Communities, 2008]
- Literacy/Numeracy Skills
- Part time workers
- Rurality

### **1.6 Advancing equality (the second of the equality aims) involves:**

- Removing or minimising disadvantages suffered by people due to their protected characteristic

## Equality Impact Assessment

- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

NB Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

### **1.6 Guidance on Compliance with The Public Sector Equality Duty (PSED) for officers and decision makers:**

1.6.1 To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

1.6.2 What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

1.6.3 *Some key points to note :*

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- EIAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them – the duty does not stop tough decisions sometimes being made.
- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors)

1.6.4 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

## **Part 2 – Aims and implementation of the proposal, project or service**

### **2.1 What is being assessed?**

#### **a) Proposal or name of the project or service.**

Schools basic need capital programme 2018/19 to 2022/23

#### **b) What is the main purpose or aims of proposal, project or service?**

Over the period to 2022/23 the Local Authority is predicting that the number of children attending state-funded primary schools in East Sussex will be approximately 38,100 (a decrease of 1% on 2017/18 figures). Despite the predicted small decline in overall primary pupil numbers, numbers in specific areas, notably where there are significant volumes of planned new housing, are forecast to continue to rise.

The Local Authority expects the number of young people attending state-funded secondary schools in East Sussex to rise to approximately 28,700 by 2022/23 (an increase of 11% on 2017/18 figures). Numbers will then continue to grow, reflecting the higher intakes coming through from the primary phase.

The latest SEND Forecasts show the total number of East Sussex resident children and young people aged 4-18 with Statements or Education Health and Care Plans rising to around 3,900 (an increase of 28% on 2017/18 numbers). These forecasts have informed the need for 131 additional special school places (80 for children with Social, Emotional and Mental Health needs and 51 for children with Profound and Multiple Learning Difficulties) to be funded through the capital programme. These places are in addition to those agreed in Wave 12 of the Government's centrally funded Free School programme.

The Local Authority has a statutory duty to ensure there are sufficient, high quality education places in the county to meet present and future demand across all phases of education. The schools basic need capital programme enables the Local Authority to deliver new places in the areas of greatest demand.

#### **c) Manager(s) and section or service responsible for completing the assessment**

Gary Langford, Place Planning Manager, Standards and Learning Effectiveness Services, Children's Services Department

### **2.2 Who is affected by the proposal, project or service? Who is it intended to benefit and how?**

Local children and their families

The Local Authority

### **2.3 How is, or will, the proposal, project or service be put into practice and who is, or will be, responsible for it?**

The Local Authority will work in partnership with schools, academy trusts, dioceses, project teams and other key partners to deliver the programme. The programme is overseen by the Schools sub Capital Board which reports to the Capital and Asset Strategy Board. Where applicable, the Lead Member for Education and Inclusion,

## Equality Impact Assessment

Special Educational Needs and Disability will make final decisions on individual proposals following consultation with key stakeholders.

### **2.4 Are there any partners involved? E.g. NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?**

The Local Authority engages with groups of schools, academy trusts, dioceses and district councils in drawing up proposals for school expansions and/or the establishment of new schools.

### **2.5 Is this proposal, project or service affected by legislation, legislative change, service review or strategic planning activity?**

Local authorities are under a statutory duty to ensure the sufficiency of school places in their area.

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 Schools Commissioner's approval (on behalf of the Secretary of State) as it is the Secretary of State who will enter into a funding agreement with the academy trust/sponsor.

If the free school presumption does not result in a suitable proposal, a statutory competition can be held under 'section 7' of EIA 2006. This will not require a separate application for approval, since the Secretary of State will inform the Local Authority that approval to hold a competition is given at the same time as informing the Local Authority that no suitable free school was identified.

Free school presumption proposals and proposals for foundation, foundation special and voluntary schools can be submitted into the competition. However the Regional Schools Commissioner will consider any free school proposals first when making a decision on the case.

Any persons ('proposer') e.g. Local Authority or diocese may publish a proposal, at any time, for a new school outside of the free school presumption and competitions process under section 11 of EIA 2006. The Secretary of State's consent is not required in the case of proposals for:

- a new community or foundation primary school to replace a maintained infant and a maintained junior school;
- a new voluntary-aided school in order to meet demand for a specific type of place e.g. places to meet demand from those of a particular faith;
- a new foundation or voluntary school resulting from the reorganisation of existing faith schools in an area, including an existing faith school losing or changing its religious designation;
- a new foundation or community school, where there were no suitable free school proposals and a competition has been held but did not identify a suitable provider;
- a former independent school wishing to join the maintained sector; and
- 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.

## Equality Impact Assessment

Local authorities wishing to propose expansion of a community, foundation or voluntary school can do so by following a statutory process set out in the School Organisation (Prescribed Alterations to Maintained School) (England) Regulations 2013.

Academies wishing to expand must follow a separate process. Decisions on academy expansions are taken by the Regional Schools Commissioner or the Secretary of State as appropriate.

The Education Commissioning Plan (ECP) 2015 to 2019 sets out how the Local Authority, as a strategic commissioner of education, seeks to meet the challenge of ensuring there are sufficient education places for all children from two to 19 years of age. The plan is produced by the Standards and Learning Effectiveness Service in the Children's Services Department and was approved for publication by the Lead Member for Learning and School Effectiveness on 21 December 2015.

Proposals for new schools and school expansions will be based on information contained in the ECP which is updated every two years. The ECP is informed by the Local Authority's pupil forecasting model which is revised annually taking account of the following factors:

- existing and planned capacities of school places as well as published intake numbers
- existing numbers of pupils in schools (from pupil census data)
- future births and resulting primary reception numbers
- parental preference for primary and infant reception year, junior year 3 and secondary year 7 places as expressed through the school admission system
- transfer (cohort survival) rates between school year groups
- transfers and transfer rates between infant and junior and primary and secondary schools
- staying-on rates into sixth forms
- additional pupils arising from new housing development in each area.

### **2.6 How do people access or how are people referred to your proposal, project or service? Please explain fully.**

The ECP is available on the East Sussex County Council website at:

[https://www.eastsussex.gov.uk/media/10955/educationcommissioningplan2017-21\\_final.pdf](https://www.eastsussex.gov.uk/media/10955/educationcommissioningplan2017-21_final.pdf)

### **2.7 If there is a referral method how are people assessed to use the proposal, project or service? Please explain fully.**

n/a

### **2.8 How, when and where is your proposal, project or service provided? Please explain fully.**

The following areas of basic need have been identified during the capital programme period to 2022/23.

## Equality Impact Assessment

### Primary places

- Hailsham – 420 places
- Polegate / Willingdon – 210 places
- Uckfield – 210 places

### Secondary places

- Newhaven/Peacehaven – 420 places
- Willingdon – 200 places
- Hailsham – 150 places

### Special school places

- Eastbourne – 51 additional PMLD places
- Hailsham – 80 additional SEMH places

In addition to the provision of permanent 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 programme of Temporary Accommodation will be funded from the schools basic need capital programme in the period to 2022/23 to facilitate this.

**Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.**

**3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.**

Types of evidence identified as relevant have <b>X</b> marked against them			
	Employee Monitoring Data		Staff Surveys
	Service User Data		Contract/Supplier Monitoring Data
<b>X</b>	Recent Local Consultations	<b>X</b>	Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
	Service User Surveys		Research Findings
<b>X</b>	Census Data	<b>X</b>	East Sussex Demographics
	Previous Equality Impact Assessments		National Reports
	Other organisations Equality Impact Assessments		Any other evidence?

**3.2 Evidence of complaints against the proposal, project or service on grounds of discrimination.** None received to date.

**3.3 If you carried out any consultation or research on the proposal, project or service explain what consultation has been carried out.**

Consultations on individual proposals will be undertaken where appropriate before final decisions are taken on which projects should be taken forward in each area of basic need.

**3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the proposal, project or service?**

Separate EQIAs will be carried out as part of the consultation for each individual proposal. At this stage the Local Authority believes each proposal will have a positive impact for local children, including those with SEND, as the expansion of existing schools / provision of new schools will allow more families to access a school place in their local area. Extended or new provision will also be compliant with DDA regulations and the Equality Act 2010 for disabled pupils.



## Part 4 – Assessment of impact

### 4.1 Age: Testing of disproportionate, negative, neutral or positive impact.

#### a) How is this protected characteristic reflected in the County/District/Borough?

There are 63,556 children and young people aged 4-16 attending primary, secondary and special schools in East Sussex as per the January 2018 school census. Pupil numbers by Key Stage are:

##### Mainstream schools:

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
5,476	11,325	21,809	14,660	9,350	62,620

##### Special schools:

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
34	89	252	326	235	936

Source: School Census January 2018

#### b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

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

Number of children in each Basic Need Planning Area<sup>1</sup>:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Hailsham	255	514	938	642	373	2,722
Newhaven	143	307	551	389	218	1,608
Peacehaven	206	425	821	500	350	2,302
Polegate / Willingdon	149	302	485	600	397	1,933
Uckfield	133	324	654	806	530	2,447

<sup>1</sup> Includes special schools

Source: School Census January 2018

#### c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

Children and young people of school age in areas of basic need will 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.

## Equality Impact Assessment

**d) What is the proposal, project or service's impact on different ages/age groups?**

Each proposal will have a positive impact on local school age children and young people and their families as it will enable more children and young people to access a school place in their local area.

The Council 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.

**e) What actions are to/or will be taken to avoid any negative impact or to better advance equality?**

The Local Authority does not believe the proposals will have a negative impact.

**f) Provide details of the mitigation.**

N/A

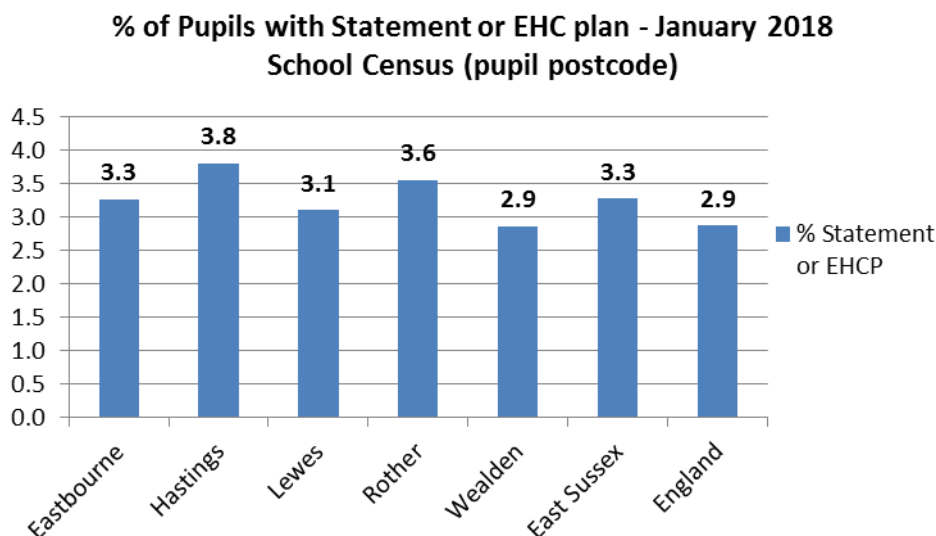
**g) How will any mitigation measures be monitored?**

N/A

**4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.**

**a) How is this protected characteristic reflected in the County /District/Borough?**

The following chart shows the percentage of children recorded as having Statement or Educational Health Care Plan in the January 2018 school census (children attending East Sussex maintained schools and academies). District/ Borough information relates to the pupil's home address as reported in the January 2018 school census.



Note: The chart is based on the 2150 East Sussex resident children attending state-funded mainstream or special schools in East Sussex with Statements/Plans. It excludes those attending provision out of County, FE colleges and independent special schools.

In East Sussex there were 2,150 children attending state-funded mainstream or special schools who are recorded in the January 2018 school census as having a Statement or Educational Health Care. This is broken down by Borough / District as follows:

Eastbourne	425
Hastings	487
Lewes	368
Rother	349
Wealden	521

Disability projections published on East Sussex in Figures (ESiF) in 2016 put the total number of people with a disability in East Sussex at 94,227 for 2018. The figures for each Borough / District are:

Eastbourne	18,345
Hastings	17,055
Lewes	16,801
Rother	17,823
Wealden	25,204

# Equality Impact Assessment

Dataset: Disability projections (dwelling-led), 2016-2031 - districts

ESCC Projections June 2018

Geography: Mixed Year Age group: All Ages Category: Overall disability Measure: Number of people with disability

Year	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
East Sussex	92,187	93,127	94,227	95,461	96,992	98,496	100,025	101,715	103,399	105,078	106,713	108,375	109,972	111,621	113,245	114,890
Eastbourne	18,117	18,218	18,345	18,510	18,713	18,899	19,116	19,344	19,563	19,789	20,009	20,241	20,475	20,716	20,955	21,196
Hastings	16,746	16,876	17,055	17,257	17,514	17,740	17,945	18,194	18,415	18,636	18,869	19,092	19,279	19,518	19,755	19,985
Lewes	16,375	16,563	16,801	17,048	17,371	17,690	18,024	18,391	18,709	19,004	19,280	19,566	19,858	20,140	20,419	20,730
Rother	17,469	17,646	17,823	18,001	18,234	18,479	18,708	18,975	19,306	19,641	19,962	20,272	20,558	20,849	21,135	21,422
Wealden	23,481	23,825	24,204	24,645	25,159	25,688	26,232	26,811	27,406	28,008	28,594	29,205	29,801	30,398	30,981	31,557

**b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

The proposals will affect all children and young people attending schools in areas of basic need including those with a statement or Educational Health Care Plan at mainstream and special schools:

Number of pupils with a Statement or EHC Plan in each basic need planning area<sup>1</sup>:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Hailsham	3	3	16	23	9	54
Newhaven	0	5	12	14	8	39
Peacehaven	1	6	8	27	17	59
Polegate / Willingdon	3	5	20	12	8	48
Uckfield	2	8	18	16	22	66

<sup>1</sup> Includes special schools  
Source: Schools Census January 2018

**c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

Children and young people of school age with a Statement or EHC Plan in areas of basic need will be more affected by the proposals than children and young people with a Statement or EHC Plan in other areas of the county where there is not predicted to be pressure on school places.

**d) What is the proposal, project or service's impact on people who have a disability?**

Each proposal will have a positive impact on local school age children and young people with a Statement or EHC Plan and their families as it will enable more children and young people to access a school place in their local area. New special schools will have a positive impact on children from a wider area who will be able to travel to the new provision rather than attend expensive independent provision sometimes out of county.

The Council is very experienced in construction projects at schools and the health and safety of children is paramount when any building project takes place. Build

## Equality Impact Assessment

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 disabled pupils.

**e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

The Local Authority does not believe the proposals will have a negative impact.

**f) Provide details of any mitigation.**

N/A

**g) How will any mitigation measures be monitored?**

N/A

**4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.** Race categories are: Colour. E.g. being black or white, Nationality e.g. being a British, Australian or Swiss citizen, Ethnic or national origins e.g. being from a Roma background or of Chinese Heritage

**a) How is this protected characteristic reflected in the County /District/Borough?**

At the January 2018 census 86.8% of the school age population (Year R – 11) in East Sussex are of White British Heritage. This is below the figure for the whole of East Sussex which stands at 91.7% of the population (taken from the 2011 census). Where ethnicity is known 13.4% of the school age population in East Sussex are from ethnic minority backgrounds compared to 8.3% for the population as a whole in East Sussex (2011 census).

**Mainstream schools:**

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
<b>746</b>	<b>1,511</b>	<b>3,089</b>	<b>1,809</b>	<b>1,077</b>	<b>8,249</b>

**Special schools:**

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
<b>8</b>	<b>17</b>	<b>45</b>	<b>47</b>	<b>20</b>	<b>137</b>

**b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

The proposals will affect all children and young people attending schools in areas of basic need including those with the protected characteristic:

Number of BME pupils in each basic need planning area<sup>1</sup>:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Hailsham	22	47	97	58	34	258
Newhaven	19	34	70	45	19	187
Peacehaven	33	54	122	43	35	287
Polegate / Willingdon	14	30	52	54	29	179
Uckfield	5	20	44	57	34	160

<sup>1</sup> Includes special schools

Source: School Census January 2018

- c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

We do not believe that people with the protected characteristic will be more affected by the proposal than those in the general population who do not share that protected characteristic as new places will be provided for everyone.

- d) What is the proposal, project or service's impact on those who are from different ethnic backgrounds?**

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.

- e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

The Local Authority does not believe the proposals will have a negative impact.

The Council 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.

- f) Provide details of any mitigation.**

N/A

- g) How will any mitigation measures be monitored?**

N/A

#### 4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact

- a) How is this protected characteristic target group reflected in the County/District/Borough?**

Of the 63,556 children and young people aged 4-16 attending primary, secondary and special schools in East Sussex, 30,659 (48.2%) are female and 32,897 (51.8%)

## Equality Impact Assessment

are male. This compares to the East Sussex figures of 51.8% for females and 48.2% for males (2011 census).

### Mainstream schools:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total %
<b>Male</b>	2,824	5,811	11,266	7,507	4,770	50.6 (32,178)
<b>Female</b>	2,652	5,514	10,543	7,153	4,580	47.9 (30,442)

### Special schools:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total %
<b>Male</b>	28	69	199	249	174	1.1 (719)
<b>Female</b>	6	20	53	77	61	0.3 (217)

### b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

The data above shows that girls attending school in East Sussex are under-represented when compared to the figure for the county as a whole, whereas boys attending school in East Sussex are over-represented.

Gender split in each Basic Need Planning Area<sup>1</sup>:

		Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Hailsham	M	135	268	466	334	180	1,383
	F	<b>120</b>	<b>246</b>	<b>472</b>	<b>308</b>	<b>193</b>	<b>1,339</b>
Newhaven	M	69	146	221	208	127	771
	F	<b>47</b>	<b>110</b>	<b>206</b>	<b>181</b>	<b>91</b>	<b>635</b>
Peacehaven	M	100	213	405	273	184	1,175
	F	<b>106</b>	<b>212</b>	<b>416</b>	<b>227</b>	<b>166</b>	<b>1,127</b>
Polegate / Willingdon	M	70	174	252	319	205	1,020
	F	<b>79</b>	<b>128</b>	<b>233</b>	<b>281</b>	<b>192</b>	<b>913</b>
Uckfield	M	71	176	353	421	280	1,301
	F	<b>62</b>	<b>148</b>	<b>301</b>	<b>385</b>	<b>250</b>	<b>1,146</b>

<sup>1</sup> Includes special schools

Source: School Census January 2018

## Equality Impact Assessment

- c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

The Local Authority does not believe that any one gender will be more affected by the proposals than the other as the vast majority of schools in East Sussex are co-educational. Only two schools (both secondary academies) in the county are single-sex (they share a sixth form), but there are proposals to merge the two schools from September 2019.

- d) What is the proposal, project or service's impact on different genders?**

The Local Authority does not believe there will be an impact on different genders as places will be provided for everyone.

- e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

The Local Authority does not believe the proposals will have a negative impact.

The Council 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.

- f) Provide details of any mitigation.**

N/A

- g) How will any mitigation measures be monitored?**

N/A

### **4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.**

- a) How is this protected characteristic target group reflected in the County/District/Borough?**

We do not consider marital status/civil partnership characteristics to be relevant to the proposal.

- b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

N/A

- c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

N/A

- d) What is the proposal, project or service's impact on people who are married or same sex couples who have celebrated a civil partnership?**

N/A



## Equality Impact Assessment

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

N/A

- f) **Provide details of any mitigation.**

N/A

- g) **How will any mitigation measures be monitored?**

N/A

### 4.6 **Pregnancy and maternity: Testing of disproportionate, negative, neutral or positive impact.**

- a) **How is this protected characteristic target group reflected in the County/District/Borough?**

We do not consider pregnancy and maternity characteristics to be relevant to the proposal.

- b) **How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

N/A

- c) **Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

N/A

- d) **What is the proposal, project or service's impact on pregnant women and women within the first 26 weeks of maternity leave?**

N/A

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

N/A

- f) **Provide details of the mitigation**

N/A

- g) **How will any mitigation measures be monitored?**

N/A

### 4.7 **Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.**

- a) **How is this protected characteristic reflected in the County/District/Borough?**

## Equality Impact Assessment

There is a broad and diverse range of provision across East Sussex for children and young people in East Sussex:

Of the 188 schools in East Sussex at the start of the 2018/19 academic year:

54 were community

45 were voluntary controlled (VC)

24 were voluntary aided (VA)

61 were academies (including free schools and university technical colleges)

4 were foundation

b) At the January 2018 census 12,894 children and young people aged 4-16 attended VC or VA schools in East Sussex. This equates to 20.3% of the school age population in the county (state funded schools only).

c) **How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

Percentage total of pupils attending either a VA or VC school in each of the planning areas:

(\* this includes Church schools which have converted to academy and special schools)

Planning Area	Number and % of VA and VC schools in each planning area	Number and % of pupils attending a VA or VC school in each planning area
Hailsham	0 of 7 (0%)	0 of 2,722 (0%)
Newhaven	0 of 6 (0%)	0 of 1,406 (0%)
Peacehaven	0 of 4 (0%)	0 of 2,302 (0%)
Polegate/Willingdon	0 of 3 (0%)	0 of 1,930 (0%)
Uckfield	2 of 6 (33%)	302 of 2,447 (12.3%)

Source: School Census January 2018

d) **Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

The majority of VA 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 might be for VC or VA schools if that is considered the most appropriate solution for an area and there is sufficient demand for faith places to justify expansion.

e) **What is the proposal, project or service's impact on the people with different religions and beliefs?**

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 children and young people.

**What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

## Equality Impact Assessment

The Local Authority does not believe the proposals will have a negative impact.

**f) Provide details of any mitigation.**

N/A

**g) How will any mitigation measures be monitored?**

N/A

### **4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.**

**a) How is this protected characteristic reflected in the County/District/Borough?**

We do not consider sexual orientation characteristics to be relevant to the proposal.

**b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

N/A

**c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

N/A

**d) What is the proposal, project or service's impact on people with differing sexual orientation?**

N/A

**e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

N/A

**f) Provide details of the mitigation**

N/A

**g) How will any mitigation measures be monitored?**

N/A

### **4.9 Other: Additional groups/factors that may experience impacts - testing of disproportionate, negative, neutral or positive impact.**

**a) How are these groups/factors reflected in the County/District/ Borough?**

We do not consider other groups/factors to be relevant to the proposal.

Places will be available regardless of background, gender, deprivation etc in line with the Admissions Code.

**b) How is this group/factor reflected in the population of those impacted by the proposal, project or service?**

## Equality Impact Assessment

N/A

- c) **Will people within these groups or affected by these factors be more affected by the proposal, project or service than those in the general population who are not in those groups or affected by these factors?**

N/A

- d) **What is the proposal, project or service's impact on the factor or identified group?**

N/A

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

N/A

- f) **Provide details of the mitigation.**

N/A

- g) **How will any mitigation measures be monitored?**

N/A

### 4.10 Human rights - Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. **Please look at the table below to consider if your proposal, project or service may potentially interfere with a human right.**

No human rights implications have been identified.

Articles	
A2	Right to life (e.g. pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)
A5	Right to liberty and security (financial abuse)
A6 &7	Rights to a fair trial; and no punishment without law (e.g. staff tribunals)
A8	Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)
A9	Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)
A10	Freedom of expression (whistle-blowing policies)
A11	Freedom of assembly and association (e.g. recognition of trade

	unions)
A12	Right to marry and found a family (e.g. fertility, pregnancy)
Protocols	
P1.A1	Protection of property (service users property/belongings)
P1.A2	Right to education (e.g. access to learning, accessible information)
P1.A3	Right to free elections (Elected Members)

## Part 5 – Conclusions and recommendations for decision makers

### 5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups
- Foster good relations between people from different groups

Each project will deliver more school places in areas where demand for places currently outstrips provision.

By providing additional places in these areas, more local children will be able to access a place at their local school.

Each project will have a positive impact as all new provision will be compliant with DDA regulations.

### 5.2 Impact assessment outcome Based on the analysis of the impact in part four mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
x	<b>A No major change</b> – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.	The proposals will have a positive impact on mainstream and special school children and young people as each project will deliver more school places in areas where demand for places currently outstrips provision as a result of a rising birth rate and/or housing development.  By providing additional places in these areas, more local children will be able to access a place at their local school.  All new and extended provision will be compliant with DDA regulations and the Equality Act 2010 for disabled pupils.
	<b>B Adjust the policy/strategy</b> – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	
	<b>C Continue the policy/strategy</b> - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate	

## Equality Impact Assessment

	<p><b>D Stop and remove the policy/strategy</b> – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.</p>	<p>The Local Authority will be able to discharge its statutory duty to ensure a sufficient supply of school places for everyone, regardless of their background, gender, deprivation etc in line with the Admissions Code.</p>
--	--	--

### 5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, project or service?

Where appropriate a separate EqIA will be undertaken for each proposal within the programme before a final decision is taken on whether to proceed with a project to provide more places.

### 5.4 When will the amended proposal, proposal, project or service be reviewed?

See 5.3 above

<b>Date completed:</b>	<b>January 2019</b>	<b>Signed by (person completing)</b>	<b>Gary Langford</b>
<b>Role of person completing</b>			<b>Place Planning Manager</b>
<b>Date:</b>	<b>January 2019</b>	<b>Signed by (Manager)</b>	<b>Jessica Stubbings</b>

**Part 6 – Equality impact assessment action plan**

If this will be filled in at a later date when proposals have been decided please tick here and fill in the summary report.

The table below should be completed using the information from the equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact
4. **If no actions fill in separate summary sheet.**

**Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:**

Area for improvement	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g. business plan/strategic plan/steering group/DMT)

### 6.1 Accepted Risk

From your analysis please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

Area of Risk	Type of Risk? (Legal, Moral, Financial)	Can this be addressed at a later date? (e.g. next financial year/through a business case)	Where flagged? (e.g. business plan/strategic plan/steering group/DMT)	Lead Manager	Date resolved (if applicable)