



# Equality Analysis Toolkit

The Future of Ashton Community Science College's  
Post 16 Provision

For Decision Making Item

Appendix 'C'

November 2016

## **What is the Purpose of the Equality Decision-Making Analysis?**

The Analysis is designed to be used where a decision is being made at Cabinet Member or Overview and Scrutiny level or if a decision is being made primarily for budget reasons. The Analysis should be referred to on the decision making template (e.g. E6 form).

When fully followed this process will assist in ensuring that the decision-makers meet the requirement of section 149 of the Equality Act 2010 to have due regard to the need: to eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing, at each step of formulating, deciding upon and implementing policy, what the effect of that policy is or may be upon groups who share these protected characteristics defined by the Equality Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstances marriage and civil partnership status.

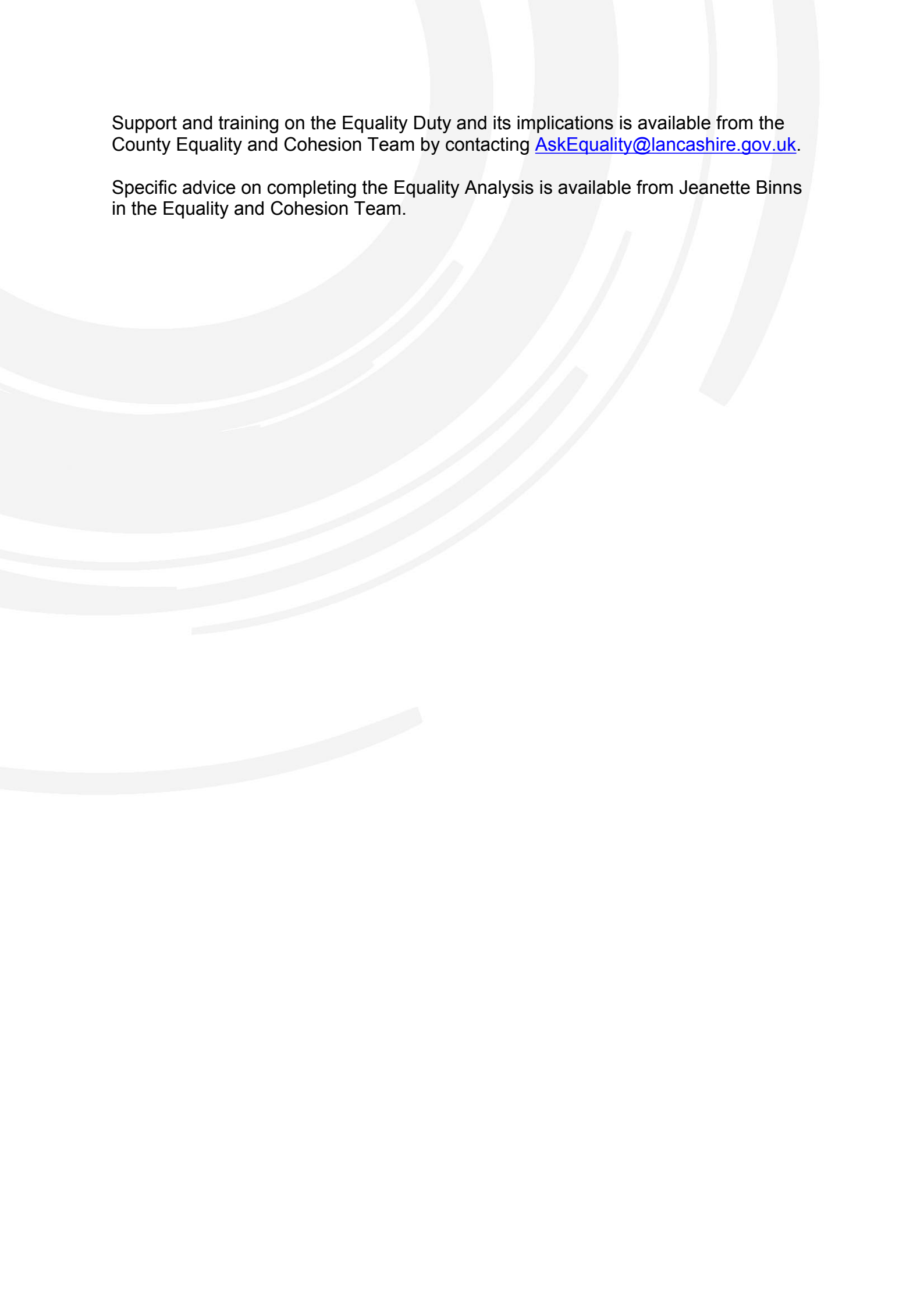
It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common sense are required in the use of this tool.

It is also important to remember that what the law requires is that the duty is fulfilled in substance – not that a particular form is completed in a particular way. It is important to use common sense and to pay attention to the context in using and adapting these tools.

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed) or EHRC guidance - [EHRC - New public sector equality duty guidance](#). The supporting document, Equality Information and the Equality Duty: A guide for public authorities, may also be used for reference as necessary.

This toolkit is designed to ensure that the section 149 analysis is properly carried out, and that there is a clear record to this effect. The Analysis should be completed in a timely, thorough way and should inform the whole of the decision-making process. It must be considered by the person making the final decision and must be made available with other documents relating to the decision.

The documents should also be retained following any decision as they may be requested as part of enquiries from the Equality and Human Rights Commission or Freedom of Information requests.



Support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting [AskEquality@lancashire.gov.uk](mailto:AskEquality@lancashire.gov.uk).

Specific advice on completing the Equality Analysis is available from Jeanette Binns in the Equality and Cohesion Team.

## **Name/Nature of the Decision**

Proposal to discontinue the post 16 sixth form provision at Ashton Community Science College (ACSC) by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2017.

## **What in summary is the proposal being considered?**

The Cabinet Member for Children, Young People and Schools is the Decision Maker in respect of a proposal made by Lancashire County Council (LCC) to discontinue the post 16 sixth form provision at Ashton Community Science College (ACSC) by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2017. Under The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, the local authority must be both the proposer and the decision-maker for this type of significant change and carry out a statutory consultation process. The proposal to lower the age range of the school is based on concerns about its financial and educational viability, as well as low student numbers and a minimal curriculum offer in the sixth form.

Is the decision likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected? If so you will need to consider whether there are equality related issues associated with the locations selected – e.g. greater percentage of BME residents in a particular area where a closure is proposed as opposed to an area where a facility is remaining open.

The proposal, if approved, is likely to only have an impact on young people from the Preston area. Based on the students accessing the sixth form at ACSC in the 2014/15 academic year, 94% of students were from Preston. Any potential impact is only expected to be minimal as no students are accessing the sixth form in the current academic year and no concerns or issues were raised during the representation period from anyone of any ethnic background.

There are no specific concerns in relation to an adverse impact on BME students. Based on the 2014/15 academic year data, only 3.0% of students were from an Asian background and only 1.5% were from a mixed background. Young people from an Asian or mixed background who are resident in the Preston district accessed nine school sixth forms and 13 FE colleges in the 2014/15 academic year, including those highlighted as alternative providers in this report. These young people followed provision from all 15 sector subject areas, showing that there are a wide range of alternative options already being accessed by students from these ethnic groups.

## **Could the decision have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:**

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality

- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

In considering this question you should identify and record any particular impact on people in a sub-group of any of the above – e.g. people with a particular disability or from a particular religious or ethnic group.

It is particularly important to consider whether any decision is likely to impact adversely on any group of people sharing protected characteristics to a disproportionate extent. Any such disproportionate impact will need to be objectively justified.

Yes. The proposal is focused on provision for young people aged 16-18 years old.

The latest full year data available for the sixth form provision delivered by ACSC is for the 2014/15 academic year. This shows the following information in terms of student characteristics:

- 66 students accessing the sixth form provision at ACSC. Of which:
  - 64% were female and 36% were male
  - 89.4% were from a White background, 3.0% from an Asian background, 1.5% from a mixed background and the remaining students were from an ethnic background defined as 'other'
  - 4.5% of students had a Statement of SEN. This equates to three students. 95.5% of students had no SEN

If you have answered "Yes" to this question in relation to any of the above characteristics, – please go to Question 1.

If you have answered "No" in relation to all the protected characteristics, please briefly document your reasons below and attach this to the decision-making papers. (It goes without saying that if the lack of impact is obvious, it need only be very briefly noted.)

### **Question 1 – Background Evidence**

What information do you have about the different groups of people who may be affected by this decision – e.g. employees or service users (you could use monitoring data, survey data, etc to compile this). As indicated above, the relevant protected characteristics are:

- Age
- Disability including Deaf people
- Gender reassignment/gender identity
- Pregnancy and maternity
- Race/Ethnicity/Nationality
- Religion or belief

- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership status (in respect of which the s. 149 requires only that due regard be paid to the need to eliminate discrimination, harassment or victimisation or other conduct which is prohibited by the Act).

In considering this question you should again consider whether the decision under consideration could impact upon specific sub-groups e.g. people of a specific religion or people with a particular disability. You should also consider how the decision is likely to affect those who share two or more of the protected characteristics – for example, older women, disabled, elderly people, and so on.

On 14<sup>th</sup> September 2016, the Cabinet Member for Children, Young People and Schools gave approval for the local authority to publish a Statutory Notice to consult on the proposal to discontinue the post 16 sixth form provision at ACSC by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2017. As can be seen from this, the proposal will have a potential impact on 16-18 year olds who wish to continue in education or training.

The latest full year data available for the sixth form provision delivered by ACSC is for the 2014/15 academic year. This shows the following information in terms of student characteristics:

- 66 students accessing the sixth form provision at ACSC. Of which:
  - 64% were female and 36% were male
  - 89.4% were from a White background, 3.0% from an Asian background, 1.5% from a mixed background and the remaining students were from an ethnic background defined as 'other'
  - 4.5% of students had a Statement of SEN. This equates to three students. 95.5% of students had no SEN

As can be seen from this information, the majority of students at ACSC were female. Female students from Preston access post 16 provision in the subjects offered at ACSC at a range of other providers, both school sixth forms and colleges, including those alternative local providers outlined in this report. Females who would've wished to follow post 16 provision at ACSC would be able to undertake the same provision at another local provider.

Whilst only a small number of students accessing the sixth form at ACSC had a Statement of SEN, the school must be aware that any such students wishing to access post 16 provision in the future will need to have a clear agreed transition plan in place to ensure a successful and sustained progression to another post 16 provider.

From reviewing this data, it can be seen that of all the young people from the school's main catchment area, 74.1% access post 16 provision at either Cardinal Newman College or Preston's College. Only 5.9% access post 16 provision at ACSC.

## Question 2 – Engagement/Consultation

How have you tried to involve people/groups that are potentially affected by your decision? Please describe what engagement has taken place, with whom and when.

Please ensure that you retain evidence of the consultation in case of any further enquiries. This includes the results of consultation or data gathering at any stage of the process.

The statutory representation period took place over a four week period, from 26<sup>th</sup> September to 24<sup>th</sup> October 2016, as suggested within DfE guidance 'School Organisation: Maintained Schools: Guidance for Proposers and Decision Makers' published in April 2016. This consisted of a statutory public notice being issued in the local newspaper and copies of the public notice being displayed on the school gates, in the school reception and also in local libraries and in the reception of Preston City Council's main office.

The public notice and the statutory proposal were sent to a wide range of stakeholders, including County Councillors, the Preston Children's Partnership Board, parish councils and union representatives. LCC also published the information on the School Organisation Review section of its website. In addition to this, the school informed all students and parents through their newsletter and included a link to the information on the LCC website on their own website.

No responses were received during the representation period.

## Question 3 – Analysing Impact

Could your proposal potentially disadvantage particular groups sharing any of the protected characteristics and if so which groups and in what way?

It is particularly important in considering this question to get to grips with the actual practical impact on those affected. The decision-makers need to know in clear and specific terms what the impact may be and how serious, or perhaps minor, it may be – will people need to walk a few metres further to catch a bus, or to attend school?

Will they be cut off altogether from vital services? The answers to such questions must be fully and frankly documented, for better or for worse, so that they can be properly evaluated when the decision is made.

Could your proposal potentially impact on individuals sharing the protected characteristics in any of the following ways:

- Could it discriminate unlawfully against individuals sharing any of the protected characteristics, whether directly or indirectly; if so, it must be amended. Bear in mind that this may involve taking steps to meet the specific needs of disabled people arising from their disabilities
- Could it advance equality of opportunity for those who share a particular protected characteristic? If not could it be developed or modified in order to do so?

- Does it encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low? If not could it be developed or modified in order to do so?
- Will the proposal contribute to fostering good relations between those who share a relevant protected characteristic and those who do not, for example by tackling prejudice and promoting understanding? If not could it be developed or modified in order to do so? Please identify any findings and how they might be addressed.

If this proposal is approved, the sixth form provision at ACSC will be discontinued, through the lowering of the age range from 11-18 years old to 11-16 years old. This will mean that any young people wishing to participate in post 16 education or training will need to access an alternative provider, where they will have access to a wider curriculum choice than was available at ACSC.

There will be sufficient capacity in the local area for all young people to be able to access post 16 provision within a reasonable travelling distance. The closest alternative post 16 providers measured by a car journey from ACSC are:

Moor Park High School and Sixth Form	2.7 miles
Preston's College	2.9 miles
Cardinal Newman College	3.2 miles
Carr Hill High School and Sixth Form Centre	5.7 miles

All of these have been rated by OfSTED as 'Good' or 'Outstanding'. There is capacity at these providers should any students from ACSC wish to progress into post 16 education or training with them.

If approved, it is not expected that the implementation of this proposal will have an adverse impact on any particular groups as there is high quality alternative provision available locally within a reasonable travelling distance.

Should young people experience an increase in travel costs which may prevent them from participating, they may be eligible to access financial support through the 16-19 Bursary Fund, which colleges and school sixth forms receive from the Education Funding Agency.

#### **Question 4 –Combined/Cumulative Effect**

Could the effects of your decision combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

For example - if the proposal is to impose charges for adult social care, its impact on disabled people might be increased by other decisions within the County Council (e.g. increases in the fares charged for Community Transport and reductions in respite care) and national proposals (e.g. the availability of some benefits). Whilst LCC cannot control some of these decisions, they could increase the adverse effect of the proposal. The LCC has a legal duty to consider this aspect, and to evaluate the decision, including mitigation, accordingly.



If Yes – please identify these.

No

### **Question 5 – Identifying Initial Results of Your Analysis**

As a result of your analysis have you changed/amended your original proposal?  
Please identify how, for example:

- Adjusted the original proposal – briefly outline the adjustments
- Continuing with the Original Proposal – briefly explain why
- Stopped the Proposal and Revised it - briefly explain

No – the original proposal has not been changed or amended.

### **Question 6 - Mitigation**

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your decision on those sharing any particular protected characteristic. It is important here to do a genuine and realistic evaluation of the effectiveness of the mitigation contemplated. Over-optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if any mitigation might adversely affect any other groups and how this might be managed.

N/A

### **Question 7 – Balancing the Proposal/Countervailing Factors**

At this point you need to weigh up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of your analysis. Please describe this assessment. It is important here to ensure that the assessment of any negative effects upon those sharing protected characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

The proposal has been made in accordance with by The Education and Inspections Act 2006; The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and DfE guidance 'School Organisation: Maintained Schools: Guidance for Proposers and Decision Makers'. The Cabinet Member report dated 14 September 2016 and 7 December 2016 provide full reasons for the proposal and the possible impact, should this be approved.

Local authorities have a statutory duty to secure sufficient and suitable education

and training provision to meet the reasonable needs of all young people in their area. From producing this proposal, the local authority is satisfied that, if approved, there will be a very minimal impact on young people. This is based primarily on the fact that no young people showed an interest in enrolling at the sixth form in the 2016/17 academic year as well as no responses being received during the representation period.

### **Question 8 – Final Proposal**

In summary, what is your final proposal and which groups may be affected and how?

The proposal is to discontinue the post 16 sixth form provision at Ashton Community Science College (ACSC) by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2017. The particular group affected by this are 16-18 year olds who may have wished to access post 16 provision at the school in the future.

### **Question 9 – Review and Monitoring Arrangements**

Describe what arrangements you will put in place to review and monitor the effects of your proposal.

Once a decision has been taken to expand the school the authority is legally obliged to implement the proposal.

Equality Analysis Prepared By: Sarah Hirst

Position/Role: Skills Co-ordinator

Equality Analysis Endorsed by Line Manager and/or Chief Officer: Bob Stott

Decision Signed Off By: Bob Stott; Cabinet Member for Children, Young People and Schools

Cabinet Member/Chief Officer or SMT Member: Bob Stott; Cabinet Member for Children, Young People and Schools

**Please remember to ensure the Equality Decision Making Analysis is submitted with the decision-making report and a copy is retained with other papers relating to the decision.**

Where specific actions are identified as part of the Analysis please ensure that an EAP001 form is completed and forwarded to your Directorate's contact in the Equality and Cohesion Team. Directorate contacts in the Equality & Cohesion Team are:

Karen Beaumont – Equality & Cohesion Manager  
[Karen.beaumont@lancashire.gov.uk](mailto:Karen.beaumont@lancashire.gov.uk)

Contact for Adult & Community Services Directorate

Jeanette Binns – Equality & Cohesion Manager

[Jeanette.binns@lancashire.gov.uk](mailto:Jeanette.binns@lancashire.gov.uk)

Contact for Environment Directorate, Lancashire County Commercial Group and One Connect Limited

Saulo Cwerner – Equality & Cohesion Manager

[Saulo.cwerner@lancashire.gov.uk](mailto:Saulo.cwerner@lancashire.gov.uk)

Contact for Children & Young Peoples Directorate

Pam Smith – Equality & Cohesion Manager

[Pam.smith@lancashire.gov.uk](mailto:Pam.smith@lancashire.gov.uk)

Contact for Office of the Chief Executive and the County Treasurer's Directorate

Thank you