

Section 4

Equality

Analysis Toolkit

The Expansion of Balshaw Lane Primary School,

Euxton, Chorley:

For Decision Making Items

July 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](#)

Document 2 "Equality Analysis and the Equality Duty: Guidance 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

Specific advice on completing the Equality Analysis is available from your Directorate contact in the Equality and Cohesion Team or from Jeanette Binns

Jeanette.binns@lancashire.gov.uk

Name/Nature of the Decision

The proposed expansion of Balshaw Lane Primary School by providing 15 additional places at Reception age with effect from 1st September 2018. This would result in the published admission number of the school increasing from 45 to 60 pupils.

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 to expand Balshaw Lane Primary School with effect from 1st September 2018. The proposal has been brought under procedures established by The Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 which state that although there is not a prescribed 'pre-publication' consultation period, there is a strong expectation on the Local Authority to consult interested parties. The Local Authority conducted a full informal consultation and statutory representation prior to taking a final decision. The proposal to expand the school was made due to the rising birth rate in the local area, coupled with the effect of significant housing development. The number of school places currently available will not be enough to meet increased demand as the children reach school age.

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, will directly affect current pupils on roll at Balshaw Lane Primary School due to the enlargement of the school.

The proposal, if approved, could also impact on those who wish to send their children to Balshaw Lane Primary School in the future. The proposed expansion of the school will enable future pupils to gain places in the local area where they live. It will increase the likelihood of pupils gaining admission at the same school as their siblings.

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

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 5th November 2015, the Cabinet Member for Children, Young People and Schools approved an increase of the published admission number for Balshaw Lane Primary School from 40 places to 45 places at Reception age, with effect from September 2017, as part of a capital improvement programme that provided additional places to regularise admission numbers in areas of growth.

As a result of the rising birth rate in the local area, coupled with the effect of significant housing development, the number of school places currently available will not be enough to meet the increased demand as the children reach school age over the next few years

Balshaw Lane Primary School is an Outstanding School which is currently experiencing a significant increase in demand for places, with 50 first preference applications in 2016. The current planned admission number is 45 and, therefore, by further increasing this to 60 the school's admission number will be regularised to 2 Form Entry at the same time as assisting with meeting growing demand for places within the Euxton area.

The school provides for mixed gender pupils aged 4 to 11 and will provide more school places to both genders, if the proposal is approved. The school is a Community School.

There were 276 pupils on roll in May 2016. There have been 40 pupils in each reception year since 2013. The following table shows demand in the Euxton area based on the number of recorded births:

	Projected intake (Live Births)				
Reception Places	September 2016	September 2017	September 2018	September 2019	September 2020
280 (285 from September 2017*)	280	267	285	292	292

* On 4 November 2015 the Cabinet Member for Children, Young People and Schools approved an increase in the Reception intake at Balshaw Lane Primary School with effect from September 2017.

The above figures are based only on birth demand and do not take into account the projected impact of housing development in the area. The table below shows projected demand resulting from live births and housing:

	Projected intake (Births and Housing Projections)				
Reception Places	September 2016	September 2017	September 2018	September 2019	September 2020
280 (285 from September 2017*)	286	279	303	316	323

* see above

The above information demonstrates that there will be sufficient primary school places available for September 2017 Reception intake. Once the impact from housing has been taken into account there is projected to be a shortfall of places from September 2018 onwards.

As reported to the Cabinet Member for Children, Young People and Schools on 12th January 2015, there is a sustained need for additional places in the Euxton area of Chorley. This increased demand for primary school places in Chorley is in addition to the places provided by the expansion of Primrose Hill Primary School from 210 to 420 pupils and the expansion of Trinity CE/Methodist Primary School from 420 to 630 pupils, which was approved by the Cabinet Member for Children, Young People and Schools on 13 July 2015.

The proposal will have most effect on children and young people (and their families) specifically of primary school age in the area.

Community Cohesion:

The School Census 2015 shows 89% of the pupils at the school are of White British heritage. This is higher than the national average for primary school pupils which is 75%. The proportion of pupils from minority ethnic backgrounds is 11% which is lower than the national average (25%). Of these the highest number within the ethnic groups is 'mixed white and black African' with 8 pupils. The 2011 School Census, however, indicated that 3.15% of Chorley's residents were from the BME groups so there is an indication that the school's percentage for BME pupils is higher than the representation in the Borough's community.

The school already has close links with all its surrounding community and is committed to continue to work with all members of this community if the school expanded. All members of the community were consulted as part of this process.

Travel and Accessibility:

The 2016 school census shows 9% of the school's population are disabled or have special educational need. This is below average compared to the national average for primary schools which is 16.6%.

The proposed expansion will provide additional places in a densely populated residential area with good transport and road infrastructure.

When a school permanently or temporary expands the school transport policy will apply. Pupils receiving home to school transport assistance prior to the expansion will have their situation reviewed to establish the policy still applies following the expansion, only if the school is expanded by moving onto a different site. In this proposal, the expansion would take place on the existing site of the school, should the proposal go ahead. Details of Lancashire County Council's Home to Mainstream School Transport Policy can be found on the Pupil Access Team's web pages on the link below:

<http://new.lancashire.gov.uk/council/strategies-policies-plans/children,-education-and-families/school-transport.aspx>

The proposal provides more opportunity to all of the local community served by the school. If the proposal did not go ahead, it would adversely affect future primary pupils having a school place in their local area.

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)

Full informal consultation over a four week period (6th June to 1st July 2016) has taken place as suggested within DfE guidance 'School Organisation: Maintained Schools: Guidance for Proposers and Decision Makers' published in January 2014 which included consultation with children. The school conducted a children's consultation with the pupils at the school during the informal consultation phase.

The results of the informal consultation were reported to the Cabinet Member for Children, Young People and Schools on 14th September 2016 and the result of the consultation at representation stage is included in the report to Cabinet Member for Children, Young People and Schools dated 6 February 2017.

A total of 28 responses were received to the informal consultation stage - 16 agreed or strongly agreed, 6 neither agreed nor disagreed and 6 strongly disagreed. The 16 respondents in agreement felt that the proposed expansion would be a benefit to current and future pupils through the provision of single year group classes in a 2FE school, whilst providing much need places at the school. They also felt improved facilities would be provided through a larger hall and additional intervention rooms. The 6 respondents opposed to the proposed expansion were concerned about the increased traffic and noise around the school and local estate, including parking issues.

During the consultation period the school consulted all 9 school classes on their views towards the proposed expansion of Balshaw Lane Primary School. Of the 266 pupils who were involved in the consultation, 243 responses were in favour of the proposed expansion and 23 were opposed.

Four written representations were received. The first response was received from the Blackburn Diocesan Board of Education who state that Church of England Schools in the area have been contacted and they don't feel it would negatively affect the schools. The Diocese, therefore, do not have any objections to this proposal. The second response was received from Euxton Parish Council who state they are keen to see the much needed additional places at Balshaw Lane Primary School but raise concern for residents, pupils and road users, caused by parking associated with the school, and stated their view that unless suitable provision is made, these will only be exacerbated by the increase in school size. The third response was received from a local resident who perceived there was a lack of consultation with residents in the area, in their view there is a lack of understanding of the problems an increase in school numbers will be on traffic problems for residents and their view that the Council brings forward these schemes but does nothing to facilitate the damage to Bredon Avenue surfaces and pavements these schemes cause. The fourth response was received from a couple of local residents who again re-iterate their concern over the traffic around school which they feel is horrendous in the morning and afternoon of a school day. They also raise their concern that it appears the staff car park is not big enough, so an increase in pupil numbers will mean the traffic

problem gets worse unless considered at the planning stage. The responses have been placed on Councillor-First and are included as background papers to this report and are available for public inspection through Lancashire County Council School Planning Team (Telephone 01772 531957).

Following consideration of all the concerns raised, it is felt that the need to have sufficient school places in the right area outweighs the concerns that were recorded through the informal/formal consultation process.

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.

The proposed expansion of the school will enable future pupils to gain places in the local area where they live. It will increase the likelihood of pupils gaining admission at the same school as their siblings.

Any proposed expansion will be required to comply with building regulations and the school design guidance, therefore, making it accessible.

There are 3 non faith schools in the Euxton planning area and 3 faith schools (1 Church of England, 1 Roman Catholic and 1 Church of England/ Methodist). The Church of England/ Methodist school has been expanded with effect from September 2016.

This proposal will minimise pupils in the local area from having extended journey times to attend schools outside the planning area due to insufficient school places.

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.

None anticipated.

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 will be continued in the interests of securing additional quality school places for all future pupils in the area.

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 reports dated 12th May 2016, 14th September 2016 and 6th February 2017 provide full reasons for the proposal and details of the local authority's powers and responsibilities around school place commissioning and the provision of high quality school provision for pupils.

Local authorities have a duty to ensure the sufficiency of school places. Without the expansion of this school, there would be insufficient school places in the local area. Parents of prospective pupils would therefore, have to send their children outside of

the village where they live.

The proposal meets education provision for young people both now and in the future.

Following consideration of all the concerns raised, it is felt that the need to have sufficient school places in the right area outweighs the concerns that were recorded through the informal/formal consultation process

Question 8 – Final Proposal

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

The proposed expansion of Balshaw Lane Primary School by providing 15 additional places at Reception age with effect from 1st September 2018. This would result in the published admission number of the school increasing from 45 to 60 pupils. The main groups affected are pupils that currently attend the school and potential future pupils.

No adverse impact on people/pupils from characteristic groups is anticipated.

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: Steph Rhodes

Position/Role: School Planning Principal

Equality Analysis Endorsed by Line Manager and/or Chief Officer: Mel Ormesher

Decision Signed Off By: Mel Ormesher, Cabinet Member for Children, Young People and Schools.

Cabinet Member/Chief Officer or SMT Member Mel Ormesher, 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

Contact for Adult & Community Services Directorate

Jeanette Binns – Equality & Cohesion Manager

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

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

Thank you