

Equality Analysis Toolkit

The Future of Lytham St Annes Technology and
Performing Arts College's Post 16 Provision

For Decision Making Item

Appendix 'C'

January 2017

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.

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 Lytham St Annes Technology and Performing Arts College (the school) by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2018.

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 Lytham St Annes Technology and Performing Arts College (the school) by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2018. Under The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, as the school is a foundation school, the Governing Body of the school is the proposer and the local authority is the decision-maker for this type of significant change and the school is required to carry out a statutory consultation process. The proposal to lower the age range of the school is based on concerns about the long term financial viability of the whole school. The Governing Body believe that this proposal will make a significant contribution to the financial recovery of the school, which would otherwise have to be addressed solely through the 11-16 element of the school.

If the proposal is approved, the school would not enrol any students to the sixth form in September 2017. This would mean that there would only be year 13 students in the sixth form and these would be the students who are currently in year 12. This will allow them to complete their study programme at the school, without having to move to an alternative provider partway through their course.

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 Fylde area. Based on the students accessing the sixth form at the school in the 2015/16 academic year, 93.9% of students were from Lancashire and 6.1% were from Blackpool. Of the students from Lancashire, 95.7% were from Fylde and 4.3% were from Wyre. With regard to the impact on specific groups of young people, there was only one comment received in the consultation and this related to the impact of extra travel for someone with special educational needs.

There are no specific concerns in relation to an adverse impact on BME students. Based on the 2015/16 academic year data, only 4.0% of students were from an Asian, Black or mixed background. Young people from an Asian, Black or mixed background who are resident in the Fylde district accessed three school sixth forms and four FE colleges in the 2015/16 academic year and all but one of these are highlighted as alternative providers in this report. These young people followed provision from 10 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 the school is for the 2015/16 academic year. This shows the following information in terms of student characteristics:

- 98 students accessing the sixth form provision at the school. Of which:
 - 54% were female and 46% were male
 - 87.0% were from a White background, 9.0% from an other ethnic group, 2.0% from an Asian background, 1.0% from a mixed background and 1.0% from a Black background
 - 96.9% of students had a no SEN and the remaining 3.1% were defined as unknown

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 1 December 2016, the school published a Statutory Notice to consult on the proposal to discontinue its post 16 sixth form provision by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2018. 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 the school is for the 2015/16 academic year. This shows the following information in terms of student characteristics:

- 98 students accessing the sixth form provision at the school. Of which:
 - 54% were female and 46% were male
 - 87.0% were from a White background, 9.0% from an other ethnic group, 2.0% from an Asian background, 1.0% from a mixed background and 1.0% from a Black background
 - 96.9% of students had a no SEN and the remaining 3.1% were defined as unknown

As can be seen from this information, there were only slightly more female students than males in 2015/16. This equates to eight more female students.

Whilst the data does not show if any students in the sixth form 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 Fylde district, the sixth form at the school is the 6th most popular choice with more young people choosing to go to other providers. In terms of where young people from Fylde are accessing post 16 provision which is funded by the Education Funding Agency, the breakdown is as follows: 28.0% chose to go to Cardinal Newman

College; 22.7% are chose Blackpool and Fylde College; 16.1% chose Blackpool Sixth Form College; 10.6% chose Carr Hill High School and Sixth Form; 8.2% chose Preston's College; and 6.4% chose the school. The remaining young people chose to study at a range of 21 other providers. All of the providers mentioned here are suggested as alternative providers should the decision be made to permanently lower the school's age range from 11-18 years to 11-16 years.

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 from 1 December 2016 to 20 January 2017, which is longer than the minimum four week period suggested within DfE guidance 'School Organisation: Maintained Schools: Guidance for Proposers and Decision Makers' published in April 2016, to account for the Christmas holiday period. This consisted of a statutory public notice being issued in the local newspaper and displayed the public notice in the school reception, in local libraries and in the reception of Fylde District Council. The full proposal document was also made available on the school's website, where it can still be found.

The school notified a wide range of stakeholders and partners about the consultation, including local Councillors and MPs, local primary and feeder schools, local colleges, unions and staff. The school contacted parents and students by email or text message on the first day of the consultation to inform them of the proposal.

49 responses were received by the local authority during the representation period. A number of concerns have been raised and all but one of the responses are opposed to the proposal. In terms of the respondents, those defined as 'other' provided the most responses and these consisted of former pupils, former staff members, a grandparent and someone who used to live in the area. After those defined as 'other', the most respondents were current or future parents of pupils at the school. In summary, the main issues which have been raised include: issues relating to alternative providers, such as transport issues, cost and time; what options have been considered to address the funding/financial issues other than closing the sixth form; whether the consultation process is acceptable; and the impact on the area in light of future increase in cohort size and the amount of house building which is planned.

Only one objection related to a specific equality issue and this related to the impact of extra travel for someone with special educational needs.

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 the school 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.

The closest alternative post 16 providers measured by a car journey from the school are:

St Mary's Catholic Academy	7 miles
Blackpool Sixth Form College	8 miles
Baines School	8.5 miles
Carr Hill High School and Sixth Form	9.5 miles
Blackpool and Fylde College	10 miles
Cardinal Newman College	15 miles

Of the possible alternative providers, three are school sixth forms located less than 10 miles from the school and all of which have had their sixth form provision rated as Good by Ofsted. There is also a sixth form college located less than 10 miles from the school which has been rated as Outstanding by Ofsted. The other two colleges have also been rated as Outstanding by Ofsted. All of these providers offer a wide range of A level provision.

If approved, it is not expected that the implementation of this proposal will have an adverse impact on any specific groups of young people with a protected characteristic. However, some individuals, including those with SEND, may find it

more difficult to travel to alternative locations that may not be the case for all students/potential students who have SEND. The distances quoted above are from the school's site rather than where young people actually live. It is likely that there will be a number of young people for whom the distance to the suggested alternative is shorter than this.

Whilst the information above makes reference to car journeys, it is acknowledged that young people accessing post 16 provision are more likely to be travelling by bus. With this in mind, using information from www.traveline.info and using the bus stop at the Square in Lytham as the start and end point, a summary of the journeys to the alternative providers listed above is as follows:

- St Mary's Catholic Academy – taking the number 68 and the number 5, a journey to/from this school will take between 1 hour and 1 hour 30 minutes. There are regular buses throughout the day on this route. The school also runs its own bus service from Lytham
- Blackpool Sixth Form College – taking the number 78 is 1 hour 10 minutes, each way. An alternative route is on the number 68 and the number 14 and the journey time is the same. There are between two and four buses an hour. The college operates three subsidised bus routes from Lytham, for those living outside of a 3 mile radius of the college
- Baines School – taking the number 78 and the number 541 to the school is 1 hour 15 minutes and taking the number 75 and the number 78 back to Lytham is the same. The frequency of buses is more limited on this route
- Carr Hill High School and Sixth Form – taking the number 78 is 30 minutes each way and there are two buses an hour
- Blackpool and Fylde College – taking the number 7 is 1 hour 15 minutes each way and there are three buses an hour. This is based on accessing the main campus rather than the Lytham Sixth Form site, which is next to the school
- Cardinal Newman College – taking the number 68 is 1 hour 10 minutes and there are three buses an hour. The college offers subsidised travel, including routes from Lytham

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.

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 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.

If approved, it is not expected that the implementation of this proposal will have an adverse impact on any specific groups of young people with a protected characteristic. However, some individuals, including those with SEND, may find it more difficult to travel to alternative locations that may not be the case for all students/potential students who have SEND. The distances quoted in question 3 are from the school's site rather than where young people actually live. It is likely that there will be a number of young people for whom the distance to the suggested alternative is shorter than this.

Whilst the information above makes reference to car journeys, it is acknowledged that young people accessing post 16 provision are more likely to be travelling by bus. With this in mind, using information from www.traveline.info and using the bus stop at the Square in Lytham as the start and end point, a summary of the journeys to the alternative providers listed above is as follows:

- St Mary's Catholic Academy – taking the number 68 and the number 5, a journey to/from this school will take between 1 hour and 1 hour 30 minutes. There are regular buses throughout the day on this route. The school also runs its own bus service from Lytham
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an hour. The college operates three subsidised bus routes from Lytham, for those living outside of a 3 mile radius of the college

- Baines School – taking the number 78 and the number 541 to the school is 1 hour 15 minutes and taking the number 75 and the number 78 back to Lytham is the same. The frequency of buses is more limited on this route
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- Cardinal Newman College – taking the number 68 is 1 hour 10 minutes and there are three buses an hour. The college offers subsidised travel, including routes from Lytham

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 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 8 March 2017 provides full reasons for the proposal and the possible impact, should this be approved. A summary of these reasons is provided below.

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. By analysing the travel to learn patterns, it can be seen that other providers, namely those suggested as alternatives, are more popular choices than the sixth form at the school. In terms of the distances to access post 16 provision, there is no definition of what is reasonable. However, it should be noted that young people from other areas of the County also have similar distances to travel to access post 16 provision, such as those in Garstang or Tarleton.

The Governing Body of the school developed the proposal due to concerns about the long term financial viability of the whole school. They believe that this proposal

will make a significant contribution to the financial recovery of the school, which would otherwise have to be addressed solely through the 11-16 part of the school.

The local authority requires schools to have a balanced budget and, with a budget deficit of £700,000, the Governing Body were required to present a recovery plan to remove the deficit by the 2018-19 financial year. The Governing Body decided that they could not do this and continue to offer post 16 education. The school makes a significant subsidy to the sixth form from the 11-16 part of the school, totalling £400,000, and this is no longer affordable. The figures quoted here are from the school's proposal, they are not figures from the local authority.

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 Lytham St Annes Technology and Performing Arts College by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2018. 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 permanently lower the school's age range from 11-18 years to 11-16 years, with effect from 31 August 2018, 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

Contact for Adult & Community Services Directorate

Jeanette Binns – Equality & Cohesion Manager

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

Contact for Children & Young Peoples Directorate

Pam Smith – Equality & Cohesion Manager

Pam.smith@lancashire.gov.uk

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

Thank you