

Section 4

# Equality Analysis Toolkit

The Expansion of Barrow Primary School,  
Clitheroe, Ribble Valley:  
For Decision Making Items

January 2018

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

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

The proposed expansion of Barrow Primary School by providing 10 additional places at Reception age with effect from 1<sup>st</sup> September 2019. This would result in the published admission number of the school increasing from 20 to 30 pupils.

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

The Cabinet is the Decision Maker in respect of a proposal made by Lancashire County Council to expand Barrow Primary School with effect from 1st September 2019. 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 significant level of housing development planned in the area. The pupil projections have been monitored and, as a result, an initial shortfall of school places is anticipated to occur from September 2018, which will be addressed by another school.

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 Barrow 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 Barrow 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 5 November 2015, the Cabinet Member for Children, Young People and Schools approved a capital improvement programme that provided additional places to regularise admission numbers in areas of growth.

The Langho and Whalley planning area was identified as an area where: a) each of the four primary schools had admission numbers that were difficult to manage; and b) the significant level of development planned in the area within the next five years would mean that there will be a shortage of primary school places.

The pupil projections have been monitored and, as a result, an initial shortfall in school places is anticipated to occur from September 2018.

At a meeting on 7 December 2016, it was agreed that proposals be put forward to:

- To increase the number of pupils admitted to Reception Year at Langho and Billington St Leonard's Church of England (CE) Primary School from 40 to 45, with effect from September 2018 and for each subsequent year;
- To increase the number of pupils admitted to Reception Year at Whalley CE Primary School from 40 to 45, with effect from September 2019 and for each

subsequent year;

- To increase the number of pupils admitted to Reception Year at Langho St Mary's Roman Catholic (RC) Primary School from 40 to 45, with effect from September 2019 and for each subsequent year;
- To request that a period of statutory consultation commence in connection with the expansion of Barrow Primary School, Clitheroe in order to increase the number of pupils admitted to Reception Year from 20 to 30, with effect from September 2019 and for each subsequent year.

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 Voluntary Controlled School.

There were 144 pupils on roll in October 2017. There have been 19 or more pupils in each reception year since 2014.

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 2017 shows 88% 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 12% which is lower than the national average (25%). Of these the highest number within the ethnic groups is 'Asian' with 9 pupils. The 2017 School Census, however, indicated that 11% of Ribble Valley's schools 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 2017 school census shows 5.5% 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 14.4%.

The proposed expansion will provide additional places in a rural school with a significant level of housing development planned.

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 five week period (Guidance suggests four weeks, but the consultation period ran over a one week school holiday, therefore was extended for an additional week) from 8<sup>th</sup> May to 11<sup>th</sup> June 2017 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 on 14<sup>th</sup> September 2017 and the result of the consultation at representation stage is included in the report to Cabinet dated 8<sup>th</sup> March 2018.

A total of 28 responses were received to the informal consultation stage - 13 agreed or strongly agreed, 1 neither agreed nor disagreed and 14 disagreed or strongly disagreed. The 13 respondents in agreement felt that the proposed expansion was required due to housing developments in the area meaning more school places would be needed to allow local places for local children. The 14 respondents opposed to the proposed expansion were concerned about the increased traffic and lack of parking facilities at the school. They also raised concern around the site size and reduction to outdoor play area.

During the consultation period the school consulted Years 2, 3, 4 and 5 on their views towards the proposed expansion of Barrow Primary School. Pupils in support of the proposal felt they would like to be in the same age classes, will have more friends and better facilities. Pupils opposed to the proposal felt there will be less outside space to play and the noise may disturb them in lessons.

In response to the published proposal, the County Council received two responses. The first from Ribble Valley Borough Council, who confirm that the Council fully



supports the proposals and encourage liaison with their Development Management Team in connection with any planning application for additional built facilities. The second was from Barrow Parish Council who welcome the additional primary school places in the village but ask that more consideration be given to parking and traffic before approval is given. It is the Parish Council's view that it is not acceptable to expand pupil numbers without taking account of the increased traffic and lack of parking, as this will have a devastating effect on the village.

Comment: The school acknowledges that any proposed increase in pupil numbers is likely to result in increasing traffic and demand for parking, however, they are confident that any issues can be managed. There will be no reduction in the number of staff parking spaces as a consequence of the proposed expansion, and there are currently no drop off/pick up points. There is currently plenty of parking available along the roadside in the vicinity of the school at peak times of day. Parking and traffic issues will be further considered as part of the traffic risk assessment which will be undertaken as part of the application to obtain planning permission required for the permanent new build, if the proposal goes ahead. Pre application advice will be sought from the Highways Development Team specific to this proposal.

The responses have been placed on Councillor-First and are included as background papers to this report. They 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 Voluntary Aided faith schools in the Langho & Whalley planning area (2 Church of England and 1 Roman Catholic) and 1 Voluntary Controlled school.

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 reports dated 8<sup>th</sup> May 2016, 14<sup>th</sup> September 2017 and 8<sup>th</sup> March 2018 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 Barrow Primary School by providing 10 additional places at Reception age with effect from 1st September 2019. This would result in the published admission number of the school increasing from 20 to 30 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](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