

Section 4

Appendix 'D'

Equality

Analysis Toolkit

The proposed closure of Thomas Whitham Sixth
Form, Burnley

For Decision Making Items

April 2020

Question 1 - What is the nature of and are the key components of the proposal being presented?

In July 2019, the governing body of Thomas Whitham Sixth Form asked Lancashire County Council (LCC) to consult on the future viability of the school. As no financially viable options have been identified, the proposal now being considered is to close Thomas Whitham Sixth Form, with effect from 31 August 2020.

As defined by the Department for Education's (DfE) statutory guidance, 'Opening and closing maintained schools: Statutory guidance for proposers and decision-makers' (November 2019), the local authority is both the proposer and the decision-maker for this type of proposal and must carry out a statutory consultation process before a decision on the closure of a maintained school is made. The reasons for the proposal are concerns about the school's financial deficit position and the number of students accessing the provision. There are no concerns about the quality of education being provided by the school. If the proposal is approved, the school would close with effect from 31 August 2020.

Question 2 - Scope of the Proposal

Is the proposal 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 approved, the proposal will directly affect the students currently in Year 12 as they would need to move to an alternative post 16 provider for September 2020. Students currently in Year 13 will be able to remain at the school until they complete their key stage 5 studies. The local authority will ensure that support continues to be provided to the school with the aim of ensuring that the students who remain on roll (should the proposals be approved) receive quality education and are not disadvantaged by the impact of closure.

Should the proposal to close Thomas Whitham Sixth Form be approved, all students will be made aware of the alternative post 16 providers in their local area. There is sufficient capacity in other local post 16 providers to accommodate the number of students currently at Thomas Whitham Sixth Form. Students currently in Year 13 will be unaffected by this proposal as they will have left school by the time any proposals are implemented.

Should the decision be taken to close the school, there will be implications for the staff currently employed by the school. The local authority has experience in staff redeployment and retraining and has a good record in avoiding compulsory redundancies.

Question 3 – Protected Characteristics Potentially Affected

Could the proposal 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

And what information is available about these groups in the County's population or as service users/customers?

Yes.

With regard to the ethnicity background of the students at the school, as at September 2019, the breakdown is as follows:

	AOTH	WOTH	MOTH	ABAN	GYRO	APKN	WBRI	WHAS	Total
Yr 12	1	2	0	1	1	12	15	2	34
Yr 13	0	1	1	2	0	29	34	0	67
Total	1	3	1	3	1	41	49	2	101

AOTH: other Asian background; WOTH: other White background; MOTM: other Mixed background; BANG: Bangladeshi; GYRO: Gypsy/Roma; APKN: Pakistani; WBRI: White-British; WHAS: White and Asian

As can be seen from the table above, students from an ethnic minority background make up 47.5% of the total cohort. Of the Year 12 cohort, 41% are from an ethnic minority background. Should the school close, it is noted that the main alternative providers have significant cohorts of students from ethnic minority backgrounds.

Of the total number of students participating at the school in 2017/18, 29% (30 students) were female and from an Asian background. This data is taken from the ESFA's 2017/18 participation data. There is a national issue with the participation data for 2018/19 for all school sixth forms. The data shows the ethnicity of all students as 'not known' so cannot be used in this analysis.

Of the 30 female Asian students participating at the school in 2017/18, 20 were from Burnley and 10 were from Pendle. Of the total female Asian students from Burnley and Pendle participating in 2017/18, they accessed provision at 14 providers: 54.5% went to Nelson and Colne College, 27.9% went to Burnley College, 4.6% went to Thomas Whitham Sixth Form and 4.1% went to Clitheroe Royal Grammar School.

Of the total female Asian students participating in 2017/18, they were from seven wards across Burnley and Pendle. The female Asian students from these wards accessed provision at 11 providers. Burnley College the most popular, followed by Nelson and Colne College and Thomas Whitham Sixth Form. It can be seen from this information that students with these protected characteristics access provision at a range of providers, in addition to Thomas Whitham Sixth Form.

The gender make-up of the pupils at the school is 51% boys and 49% girls.

As at September 2019, there are no students with a Statement or an Education, Health and Care Plan (EHCP) on roll at the school. Of the total cohort, 8.8% of students at the school have a special educational need or disability (SEND), equating to 9 students. Of the Year 12 cohort, there are two students with SEND on roll at the school.

Question 4 – Engagement/Consultation

How have people/groups been involved in or engaged with in developing this proposal?

There is a defined statutory process in the Department for Education's (DfE) statutory guidance, 'Opening and closing maintained schools: Statutory guidance for proposers and decision-makers' (November 2019), which must be followed before making a decision on the closure of a maintained school.

In line with this process, a stage 1 consultation period took place between 16 September and 1 November 2019 and, as part of this stage, a consultation event was held at the school on 23 September 2019. This event was for parents, staff, governors and any other interested parties to ask questions and make comments on the proposal. At the event, 43 appointments took place, with 51 interested parties in attendance.

By the end of the stage 1 consultation period on 1 November 2019, a total of 212 responses to the questionnaire had been received from students, staff, governors, members of the local community, parents and other interested parties. In addition to the questionnaire responses, we also received six separate responses. These included responses from staff at the school, a local employer, the leader of Burnley Borough Council, and a petition against the closure of the school with 268 signatures, as submitted by a local elected member. The outcome of the stage 1 consultation was reported to Cabinet at their meeting on 16 January 2020. As part of this stage, respondents to the consultation were asked to say whether they

agreed or disagreed with the option of closing the school. The majority of respondents objected to this option, with 90% disagreeing or strongly disagreeing. The main concerns raised regarding equality issues were as follows: the environment of the school is particularly beneficial for young people with SEND; the school offers good provision for young people with ASD, ADHD, anxiety and mental health issues; and the travel implications of moving to another provider.

Further to the stage 1 consultation and following the publication of the statutory public notice on 29 January 2020, the stage 3 representation period took place between 29 January and 3 March 2020. These documents were available on the Lancashire County Council website and were widely circulated to interested parties, such as Burnley and Pendle Borough Councils, parish councils in Burnley and Pendle, Lancashire County Councillors for Burnley and Pendle, neighbouring local authorities, other local schools and stakeholders. The school also confirmed that it had shared this information with parents, carers, staff and governors and that it had displayed the statutory notice at the entrances to their site.

The full outcome of this representation stage is included within the report being considered by Cabinet at their meeting on 9 April 2020. To summarise the outcome, one response was received. This response objected to the proposal to close the school. The objection related to reducing post 16 choices for young people in the area.

Question 5 – Analysing Impact

Could this proposal potentially disadvantage particular groups sharing protected characteristics and if so which groups and in what way? This pays particular attention to the general aims of the Public Sector Equality Duty:

- To eliminate unlawful discrimination, harassment or victimisation because of protected characteristics;
- To advance equality of opportunity for those who share protected characteristics;
- To encourage people who share a relevant protected characteristic to participate in public life;
- To contribute to fostering good relations between those who share a relevant protected characteristic and those who do not/community cohesion;

If the proposal is approved, Thomas Whitham Sixth Form will be closed, with effect from 31 August 2020. This will mean that any young people wishing to participate in post 16 education or training will need to access an alternative provider, in particular those currently in Year 12 at the school.

As part of the decision making process, the local authority must take into account concerns about the potential impact on students with SEND and those requiring additional support. Comments received through the consultation process included the following:

- the smaller classes and environment of the school are beneficial for young people with SEND and for those who find it difficult to cope in a larger environment;
- the school provides a safe environment for less confident or more vulnerable students;
- the school offers good provision for young people with ASD, ADHD, anxiety and mental health issues; and
- the impact on vulnerable and disadvantaged students.

It is acknowledged that the school offers a particular environment that is preferable for some young people, particularly those who feel that a large college environment is not suitable. Whilst the local authority recognises the benefits of the smaller setting provided by the school, this remains financially unviable. This has also been the case in other school sixth forms across the county, with six schools closing their sixth forms, for similar reasons in recent years.

It must be noted that, whilst a college environment differs from that of the school, this does not mean that a college is unable to provide high quality support for young people.

Where a student has a learning difficulty or disability that calls for special educational provision, the new provider must use its best endeavours to put appropriate support in place. Young people should be supported to participate in discussions about their aspirations, their needs, and the support that they think will help them best. Support should be aimed at promoting student independence and enabling the young person to make good progress towards employment and/or higher education, independent living, good health and participating in the community.

Due to the low number of students with SEND in Year 12 at the school and the fact that there are no students on roll at the school with an EHCP, the local authority does not believe that closing the school would have a disproportionate impact on students with SEND.

The local authority has also considered any potential negative impact of the proposal in relation to travel time and the cost of this. Based on the where young people from Burnley and Pendle are accessing post 16 providers, the distances to the most popular providers, by a car journey from Thomas Whitham Sixth Form are:

Burnley College	1.6 miles
Nelson and Colne College	4.6 miles
Clitheroe Royal Grammar School	10.6 miles
Craven College	18 miles

Whilst the information above makes reference to car journeys, it is acknowledged that young people accessing post 16 provision are more likely to travel by bus. Therefore, the table below shows the length of time it would take to travel by bus to these providers from Thomas Whitham Sixth Form:

Burnley College	15 minutes
Nelson and Colne College	40 minutes
Clitheroe Royal Grammar School	1 hour 15 minutes
Craven College	1 hour 29 minutes

Whilst it is possible that this proposal will lead to an increased use of transport, this is difficult to determine as it depends on where the young people live and which alternative provider they may choose to access.

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 received from the ESFA.

The local authority publishes a post 16 transport policy statement on an annual basis and this sets out the transport support available to young people of sixth form age and young people up to the age of 25 who have a special educational need or disability or an Education, Health and Care Plan who are entering or continuing in further education or training. The current policy can be accessed through this link: <https://www.lancashire.gov.uk/media/898457/post-16-transport-to-education-and-training-policy-statement-2019-20.pdf>.

The significant majority of students attending Thomas Whitham Sixth Form are from the Burnley and Pendle districts. Within these districts, there are two other mainstream 16-18 ESFA funded providers and these are Burnley College and Nelson and Colne College. Burnley College is judged as 'Outstanding' by OfSTED. Due to its merger with Accrington and Rossendale College in November 2018, Nelson and Colne College does not currently have an official OfSTED judgement. However, prior to the merger, Nelson and Colne College was judged as 'Outstanding' and Accrington and Rossendale College was judged as 'Good'.

If the decision is taken to close the school, it is noted that some students may move to a different provider than their friends. This may be particularly difficult for those students with SEND.

If the decision is taken to close the school, it is noted that the main alternative providers have significant cohorts of students from ethnic minority backgrounds. This may help students from ethnic minority backgrounds currently at Thomas Whitham Sixth Form to transition to an alternative provider.

Should the decision be taken to close the school, there will be implications for the staff currently employed by the school. The local authority has experience in staff redeployment and retraining and has a good record in avoiding compulsory redundancies.

Question 6 – Combined/Cumulative Effect

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

None anticipated.

Question 7 – Identifying Initial Results of Your Analysis

As a result of the analysis has the original proposal been changed/amended, if so please describe.

No – the original proposal will be continued on the basis of the school no longer being financially viable.

It is acknowledged that the school offers a particular environment that is preferable for some young people, particularly those who feel that a large college environment is not suitable. Whilst the local authority recognises the benefits of the smaller setting provided by the school, this remains financially unviable.

It must be noted that, whilst a college environment differs from that of the school, this does not mean that a college is unable to provide high quality support for young people.

Question 8 - Mitigation

Will any steps be taken to mitigate/reduce any potential adverse effects of the proposal?

The local authority has considered the potential impact of the proposal on students with SEND currently on roll at Thomas Whitham Sixth Form. To ensure that any potential negative impact on these students is minimised, the local authority and the school will work with alternative providers to ensure that the needs of these students can be met, wherever possible.

The implementation of this proposal will directly affect the students currently in Year 12 as they would need to move to an alternative post 16 provider for September 2020. Students currently in Year 13 will be able to remain at the school until they complete their key stage 5 studies. The local authority will ensure

that support continues to be provided to the school with the aim of ensuring that the students who remain on roll (should the proposals be approved) receive quality education and are not disadvantaged by the impact of closure.

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 received from the ESFA.

If required, the local authority will work with the school to provide advice and support to the alternative providers in order to help with the integration of students from Thomas Whitham Sixth Form. It is understood that both Burnley College and Nelson and Colne College have been in to the school to support students with any decisions they may be required to take, depending on the decision taken regarding the future of the school.

With regard to staffing, the local authority has experience in staff redeployment and retraining and has a good record in avoiding compulsory redundancies. Should the decision be taken to close the school, the local authority will work with the school to minimise the disruption to staff as far as possible.

Question 9 – Balancing the Proposal/Countervailing Factors

This weighs 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 the analysis.

The proposal has been made in accordance with the Department for Education's (DfE) statutory guidance, 'Opening and closing maintained schools: Statutory guidance for proposers and decision-makers' (November 2019). The Cabinet reports dated 5 September 2019 and 16 January 2020 provide full reasons for the proposal and the possible impact, should this proposal be approved, as well as details of the local authority's statutory duty to secure sufficient and suitable education and training provision to meet the reasonable needs of all young people in their area.

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. Having undertaken the required stages in the statutory process, the original issues and concerns held by the local authority in relation to Thomas Whitham Sixth Form remain valid. These are based on concerns about the school's financial deficit position and the number of students accessing the provision. There are no concerns about the quality of education being provided by the school. Despite the best efforts of the school, and with the support of the local authority, Thomas Whitham Sixth Form has not been able to increase its student numbers sufficiently and the funding they receive has reduced as a result of this. The school's financial position has been in decline for a number of years and this means that the school has been unable to cover its operating costs for more than

five years. Therefore, the local authority is taking action to address this, as a school cannot be allowed to set a deficit budget indefinitely. To date, Thomas Whitham Sixth Form has set a deficit budget for 11 years, including this current year. The school is also forecasting a deficit budget for 2020/21 and 2021/22. As the deficit continues to increase, this increases the liability to the local authority and the services it is able to provide to the wider community.

Question 10 – Final Proposal

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

The proposal is to close Thomas Whitham Sixth Form, with effect from 31 August 2020. The main groups affected are students currently in Year 12 as they would need to move to an alternative provider if the proposal is approved.

Question 11 – Review and Monitoring Arrangements

What arrangements will be put in place to review and monitor the effects of this proposal?

Once a decision has been taken to close the school, the local authority is legally obliged to implement the proposal. Through the 16-19 Education and Skills team, the local authority will ask in general terms whether students who have transferred from Thomas Whitham Sixth Form have settled in and whether they are making good progress. Discussions about individual students would not take place. It is expected that the relevant Heads of Departments at receiving providers will be tracking the progress of these students.

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